United Municipal Associations

OF

SOUTH AFRICA.

MINUTES of the Eighth Annual Meeting of the United Municipal Associations of South Africa, held in the City Hall, Bloemfontein, on Monday, the 17th November, 1913, at 10.30 a m.

Present:—

The President of the United Municipal Associations of South Africa (Mr. F. C. Hollander) in the Chair.

His Worship the Mayor of Bloemfontein (Councillor Ivan H. Haarburger).

Cape Municipal Association.

Mr. P. D. Cluver, J.P., Mayor of Stellenbosch, and President, Cape Municipal Association.
Mr. H. Hands, Deputy-Mayor of Capetown.
Sir John Graham, K.C.M.G., Capetown Municipal Council.
Mr. E. Oppenheimer, Mayor of Kimberley.
Mr. T. Barry van der Reit, Mayor of Grahamstown.
Dr. A. Ireland, Mayor of Cradock.
Mr. G. H. Maasdorp, Mayor of Burghersdorp.
Mr. M. Gumpert, Port Elizabeth Municipal Council.
Mr. J. Lamont, Mayor of Queenstown.
Mr. A. Jacobson, Mayor of Oudtshoorn.
Mr. J. Leighton, King William's Town Municipal Council.
Mr. J. Hopwood Thorp, Acting Town Clerk of Kimberley.

Natal Municipal Association.

Mr. D. Sanders, Deputy-Mayor of Pietermaritzburg, and President, Natal Municipal Association.
Mr. W. Holmes, Mayor of Durban.
Mr. W. Cochrane, Mayor of Ladysmith.
Mr. A. Dunton, Mayor of Newcastle.
Mr. T. W. Dukes, Vryheid Municipal Council.
Mr. J. M. K. Chadwick, Chairman, Weenen Local Board.
Mr. D. J. A. van der Spuy, Chairman, Utrecht Local Board.
Mr. D. Walker, Hon. Secretary, Natal Municipal Association, and Town Clerk of Pietermaritzburg.
Mr. W. P. M. Henderson, Assistant Town Clerk of Durban.
Mr. H. M. Gray, Town Clerk of Ladysmith.

Orange Free State Municipal Association.

Mr. D. J. de Villiers, Ficksburg Municipal Council and President, Orange Free State Municipal Association.
Mr. P. Loewenstein, Ladybrand Municipal Council.
Mr. A. Caskie, Harrismith Municipal Council.
Mr. W. Ehrlich, Bloemfontein Municipal Council.
Mr. R. G. Vorster, Bloemfontein Municipal Council.
Mr. P. J. Faure, Bloemfontein Municipal Council.
Mr. J. Turner, Bethlehem Municipal Council.
Mr. C. W. Frolich, Parys Municipal Council.
Mr. A. J. Wright, Assistant Town Clerk, Bloemfontein, and Secretary, Orange Free State Municipal Association.

Transvaal Municipal Association.

Mr. W. Brown, Mayor of Pietersburg, and President, Transvaal Municipal Association.
Mr. Norman Anstey, Mayor of Johannesburg.
Mr. T. N. Leslie, Mayor of Vereeniging.
Mr. Robert Eadie, Witbank Municipal Council.
Mr. J. A. Spear, Barberton Municipal Council.
Mr. J. J. Ware, M.P.C., Johannesburg Municipal Council.
Mr. C. Holcroft, Potchefstroom.
Mr. H. Henderson, Mayor of Germiston.
Mr. W. Lategan, Rustenburg Municipal Council.
Mr. C. M. de Vries, Deputy-Mayor of Pretoria.
Mr. J. C. Cook, Mayor of Boksburg.
Mr. James Richardson, Mayor of Krugersdorp.
Mr. J. Donald Robertson, Town Clerk of Pretoria.
Mr. James Mackay, Town Clerk of Germiston.

Also Present:—

The Hon. Secretary of the United Municipal Associations of South Africa (Mr. J. Taylor, Town Clerk of Johannesburg).

1. DEATH OF THE RIGHT HONOURABLE ABRAHAM FISCHER, P.C., M.L.A.

MOTION: Moved by the President, seconded by the Mayor of Bloemfontein, and supported by the Mayor of Bethlehem:—

> "That a respectful expression of sympathy be tendered to Mrs. Fischer and the members of her family on the irreparable loss they have suffered in the decease of the Right Hon. A. Fischer, P.C., M.L.A., the first Premier of the Orange River Colony; and that a message of condolence be forwarded to the Right Hon. the Prime Minister upon the loss which he and the members of his Cabinet have sustained by the death of their colleague, the Right Hon. the Minister of the Interior."

The motion was put and adopted, the members rising from their seats.

2. TELEGRAM TO HIS EXCELLENCY THE GOVERNOR-GENERAL.

RESOLVED: On the motion of the President, seconded by Mr. W. Brown:—

> "That the following telegram be sent to His Excellency the Governor-General:—
>
> 'That the United Municipal Associations of South Africa, representing the Municipal Institutions of the four Provinces within the Union, desire to convey to His Excellency the Governor-General its loyal greetings on the occasion of its Eighth Annual Meeting, opened to-day in Bloemfontein.'"

3. OPENING OF PROCEEDINGS.

The Mayor of Bloemfontein extended a hearty welcome to the delegates and officials attending the meeting.

NOTED.

4. PRESIDENTIAL ADDRESS.

The President addressed the delegates as follows:—

"Gentlemen,—My first duty in addressing you at this, the eighth, session of the United Municipal Associations of South Africa must be to congratulate you on the fact that, for the first time in its history, this Association is now fully representative of the whole of the Union of South Africa. This happy consummation has been realised by reason of the fact that our friends of the Orange Free State appear at our Congress board to-day as a constituent part of our Association, and this fact enhances our pleasure at meeting together in this the historical capital of the Orange Free State. I think you will agree with me that the more representative our Congress becomes, the greater will be the weight which will be given to our conclusions and any consequent representations which we may deem desirable to make to Government.

"It is fitting that I should take this opportunity at this gathering, representative, as it is, of the Municipal life of South Africa, of tendering our sincere and hearty congratulations to our friends of the Cape Province on the signally historic event which has resulted as the fruits of their labours during the past year. I refer to the unification of the Municipalities of the Cape Peninsula, an event unique in the annals of the Municipal history of South Africa, accomplished after much labour, tribulation and, I doubt not, many personal and local sacrifices. I venture to suggest that at least some of the knowledge and experience which has been brought to bear in order to accomplish this splendid achievement was gained from the discussions at and personal associations with these Municipal Congresses, and I would desire, in your name, to offer our respectful felicitations to His Worship the Mayor and the City Council of Greater Capetown, coupled with our best wishes for the progress, development and prosperity of their great and beautiful city.

"It may not be a good thing for national life that the modern tendency should be the concentration of the population of a country in urban centres, but the fact nevertheless remains that, whilst the cry is "Back to the land," towns all over the world are growing in size, and Municipal government becomes, therefore, an agency in which many millions of people are very intimately concerned. The health and happiness of these people is dependent at the present time, in a very great degree, on the methods pursued by Municipal authorities, and Municipal authorities rely, to a very great extent, on the powers which they exercise through the instrumentality of the functions allotted to them by the national Government. The latter may be all that is good, and may enact laws beneficial to the welfare of the community as a whole, but, unless there is sound local government, the town dweller may find his lot under urban conditions a perpetual struggle against onerous burdens in the shape of Municipal rates and the many difficulties that arise with sanitary and other urgent needs where people are confined in large numbers in comparatively restricted areas. I need not labour the point to demonstrate to you that such things as water, drainage, light, public health and other Municipal services are

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by no means an urgent necessity for the rural inhabitant, but the neglect to provide these services in areas where large populations are concentrated means the creation of rampant disease, discomfort and a consequent restriction of the growth of the people, who become enfeebled owing to insufficient breathing space, tortured by the growth of malignant germs, and starved for the want of those primal necessities which nature demands for the manufacture of a nation or a race of people which desires to develop sound bodies and sane minds. As new conditions arise new methods have to be found to deal with and, if necessary, ameliorate them, and, accordingly, one of the most notable developments of the past half-century has been the rise and progress of Municipal government, until it has become a science in itself and no less urgently necessary to the progress of a country than the central Government.

"I think we may well claim, therefore, that the interests which Municipal government represents, and which, therefore, are reflected through the delegates who are here assembled at this Congress, are enormous, and second only to those interests represented by the national Government of South Africa. Every day the conditions of Municipal affairs become more complex and more difficult, and I venture to repeat here what I have said on many previous occasions, that we have no reason to be ashamed of the public spirit shown in the different Municipalities of South Africa in providing men willing to take these onerous duties upon themselves, a duty which is often a thankless task, replete with responsibilities, abounding with criticism and not always receiving that just meed of credit which is deserved.

"It is difficult to speak with any enthusiasm on the actual results which have been achieved by this Association since its inception, but I think we may claim that, if the results have not come up to our expectations, the fault does not lie with us, but rather with those to whom our representations have been made for their lack of sympathy and the consequent non-success in results. Take, for example, four of the outstanding matters which have been dealt with year by year by this Congress—poor relief, tuberculosis, rating of Government property and native affairs. Can it be denied that the protests of Municipal authorities against being saddled with the burden of poor relief is a just one? Whilst the present system of relieving the indigent poor by means of grants-in-aid of privately organised charities has, more or less, met the demands of the time, yet the principle has been affirmed over and over again that the central Government has more than an ordinary responsibility in this matter, due to the influx of destitute persons from the country districts into the towns. Notwithstanding this, our protests have met with no response, and our difficulties in providing the necessary requirements of town life from the existing sources of revenue are unnecessarily burdened, whilst the revenues of the central Government remain immune from any call for this necessary and national charge.

"We were entitled to hope that the Tuberculosis Commission, appointed two years ago, would have achieved much by subsequent Government action in preventing the wastage of human life which this scourge is causing in South Africa. We still await patiently the conclusion of the Commission's investigations, buoyed up by the hope that these will be translated into legislative action.

"The rating of Government property, to secure the payment which is justly due to Municipalities for services rendered to Government, is a question which one would have thought would, in fairness to the Municipalities, have been dealt with as one of the first matters to be settled by the Union Government. Many promises have been made by Government to introduce legislation to deal with this urgent question in a uniform manner, which would at once remove the existing anomalies and deal justly and equitably with the Municipalities, but once again, during the past year, our hopes have been disappointed, Government having intimated that they were not prepared to deal with the matter during the last session. From the report of the Executive, you will notice that, whilst the Railways and Harbours Management Bill was before the Select Committee, we did not fail to utilise the opportunity of endeavouring to get this question dealt with as far as that particular Administration was concerned, and our thanks are due to Sir Frederick Smith and Mr. Finch for their trouble in representing our views before the Select Committee, but the Minister in charge declined to consider same, intimating that the question was one which would have to be dealt with on general and uniform lines of rating all Crown property; so this matter remains, and we are driven from pillar to post and can obtain no satisfaction. I venture to call attention to the unfairness of the position which this attitude of the Government forces the Municipalities into. As public men and citizens, we could not decline certain services to Government Departments, even though circumstances have sorely tempted us in the past to do so, and it appears to me that an undue advantage is being taken of this fact, and I am reluctantly forced to the conclusion that Government will never see the urgency of this question so long as the services in question are not disturbed and there is no attendant inconvenience to the various Government Departments.

"Last year, my predecessor asked: 'Is there any hope for the future with regard to the vital question of public health?' Public

health legislation for the Union has been drafted, and has actually achieved the importance of draft Bills, but these, instead of bringing uniformity in Municipal legislation, have tended to create diversity. The difficulties of the position are by no means eased when we consider that, whilst Municipal affairs fall within the jurisdiction of Provincial Councils, public health has been reserved to the central Government, an arrangement which in itself is calculated to lead to indescribable confusion and overlapping. If local government is not concerned with public health, and is not to be given very full control over this important branch of public work, then one of the principal reasons for the existence of local government disappears.

"A similar state of complexity exists with reference to the control of natives in urban areas. Here we find that the only body in which a Municipality can promote legislation is the Provincial Council, which, however, is specifically precluded from dealing with any question affecting natives, this function being expressly reserved for the Union Government. There are many questions affecting the natives in urban areas which could be justly and satisfactorily dealt with in the interests of the native and European populations alike by the Municipalities, but here we are against obstacles which hitherto have seemed insurmountable. It is gratifying for me to be able to say that there is a prospect of some relief in this direction in the future. In response to urgent representations made from time to time by the Municipality of Durban, the Honourable the Prime Minister has indicated that legislation is now being drafted for the coming session of Parliament which will authorise the Provincial Councils, with certain necessary safeguarding conditions, to deal with certain questions affecting natives resident and employed in urban areas.

"In 1910, the Honourable the Administrator of the Cape Province, in addressing this Congress, expressed the opinion that the exercise by Town Councils of powers regarding the position of natives, Asiatics and coloured persons living in Municipal areas required consideration, and should, if for no other reason than the protection of these people, be placed on a more definite and uniform basis. His Honour the Administrator of Natal has expressed himself similarly on various occasions, and I understand that a conference of Administrators and Executive Committees, held last year, emphasised the same opinions. May we hope that, when the next annual meeting of this Association takes place, this question will have received the consideration that its importance deserves, and that a satisfactory progress will be reported.

"I am glad to be able to report that our efforts have achieved one important measure of success during the past year, and this was in connection with the amendment of the Stamp Act. It is not necessary for me to refer at any length to this matter, but it is pleasing to reflect that the urgent and continual representations made by us to the Government on this subject at last resulted in the amendment of the Act in the direction pressed for, viz., the relief of Municipalities from the payment of stamp duty on transfers of Municipal Stock. I regard this as a ray of hope for the future, as it indicates that constant pressure and representation will achieve the proverbial effect of water dripping on a stone.

"Referring to legislation in the Union Parliament, it has become evident, during the past year, that many matters are dealt with which, at their outset and at first glance, do not appear to affect Municipalities, but which, when coming into operation, are discovered to insidiously tamper with Municipal powers. Examples of this are to be found in the Irrigation Bill, Forestry Bill, Stamp Act and Mines Regulation Act, whilst the most glaring instance was the Financial Relations Bill, which, while not adversely affecting three of the Provinces in regard to their Municipal matters, yet, in its original form, constituted a direct attack on powers possessed by the Natal Municipalities for nearly half a century. You are, no doubt, aware of the fact that the vigorous defence made by the Natal Municipalities of their interests resulted in the necessary amendments being conceded by the Minister, and I think that it should be one of the objects of this Association to bring about a uniformity in the other three Provinces which will result in similar powers being conferred on their Municipalities as those presently enjoyed by the Municipalities of Natal and so jealously guarded by them during the past year. Consideration of these matters leads me to suggest an innovation in South African Parliamentary matters on the lines of what is done in the United Kingdom, namely, the formation of Parliamentary Committees, irrespective of parties, charged with keeping a watchful eye over the special interests they propose to represent. In England, many Committees of this kind, quite voluntary in their nature, have been formed by members of Parliament of all shades of opinion, and I suggest for consideration that we should make an effort to get those members of the Union Parliament who have had experience in Municipal matters, and who we know to be sympathetic to Municipal government, to form a Municipal Committee in the House, to whom we could carry our suggestions and opinions with the knowledge that they would be sympathetically regarded. There are many gentlemen in the present Union Parliament who possess the necessary practical knowledge and experience of Municipal affairs, and I hope the incoming Executive will consider the desirability of taking such steps as would bring such a Committee into existence.

"You are well aware that the Financial Relations Act contemplates the appointment of a Commission to consider and define the limits and proportions of local government. I trust that this Association will take the necessary steps to see that its views are emphatically and concisely placed before this Commission, as one gathers that there is a possibility of the whole of the local government of South Africa being brought in review when the term fixed for the operation of the present Financial Relations Act duly expires. As to what may be the ultimate results or position of local government, it is difficult to prognosticate, but whilst the legislation of each Province and the practice of different boroughs will necessarily vary in regard to considerations peculiar to the locality, yet it would need but little argument to realise that legislation on common lines will be the surest basis from which the policy of urban government should proceed. Uniformity in general principles will facilitate administration by enabling each Corporation to take advantage of the experience gained elsewhere. It will facilitate the work of future Congresses in deliberating on proposals for legislation on matters of policy, whilst the decisions of the Courts on questions of law arising in one Province will serve for guidance in all parts of the Union. I am sure you will not consider that I minimise the difficulties that face us when we consider this proposal. I recognise that local authorities differ so widely in the four Provinces that it would be difficult to arrive at agreement on details, but I am confident that, in regard to principles, solutions can be arrived at satisfactory to all interests concerned. It is in this direction that the necessity and usefulness of these inter-Provincial gatherings of Municipal politicians is justified, and our objective should be, as a result of these Congresses, a carefully-considered, broad-based, legislative Municipal policy that will be common to all South African citizens, and will ensure the betterment and advancement of civic life in our country, and make for the good government, the uplifting, and the general welfare of all classes in our communities. I referred at the commencement of this address to a fact that is often overlooked, viz., that the Municipality is the embodiment of the direct control of many, if not most, of the interests of the individual living in community, and that as its administration is good or bad, so are affected the comfort, the happiness, the health, and even the very existence of the individual. Surely a body upon which so much depends offers a worthy opportunity to those citizens anxious to be of service to the community. That great Imperial statesman, Lord Rosebery, in addressing a Municipal Congress in London, said that, in his opinion, Municipal work was one of the greatest and noblest works that any man could put his hand to, for it consisted in the main of bettering the conditions under which men lived alongside their fellow-men. Whilst to be a Parliamentary representative may be a more attractive arena for the efforts of some, I believe that those content to labour honestly and willingly in the field of Municipal government are sure to produce a rich harvest for their fellow-men. It has often occurred to me that a Municipal Association can be of inestimable advantage to Municipal life by furthering this ideal, and so elevating local government in the eyes of the people as to attract to their Councils the best of its citizens. Indeed, we may claim that, untrammelled by political or party influences, the Municipal Council can gather together the best men of all shades of opinion, truly representative of the people, meeting on a common ground, and actuated by the sole and noble object of doing something for the happiness and comfort of their fellow-citizens. If we set ourselves out to accomplish this, Municipalities will continue to progress, and the spirit of progress will be tempered with wise discretion, which will enjoy the confidence of the communities over which they preside. I believe the townsmen of South Africa are doing their legitimate share towards the solving of those recurrent problems which are the heritage of a progressive people, and, sprung as we are from two great peoples, to whom civic and Municipal freedom has ever been as the breath of life, we have no reason to be ashamed of the progress that has marked the Municipal life of the Sub-Continent, or the full part that life has played in the evolution of our public affairs. Realising as I do the benefits that our public derive from these Congresses, it is a privilege to me, as your President, to declare this Congress to be open, and I do so with the hope that it may prove instructive as well as constructive, and that we may evolve issues that will be of far-reaching influence in the domain of Municipal government in South Africa, and, in discharging our duties conscientiously, gladly making the sacrifices they involve in order to serve our communities, we will reap a golden reward in the knowledge that we have added our quota towards the upbuilding and the establishment of a happy, prosperous, and contented South African nation."

MOTION: Moved by Mr. P. D. Cluver, seconded by Mr. D. Sanders:—

> "That the thanks of the meeting be given to the President for his address, and that the address be printed in the minutes of this meeting."

MOTION *put and adopted.*

Report of Executive Committee.

On the motion of the President, it was **RESOLVED:** That the Report of the Executive Committee be now received.

1. PROCEDURE.

The Executive Committee recommends:

That the Standing Orders of the Bloemfontein Municipal Council be adopted to govern the procedure of this meeting.

ADOPTED.

2. SUBMISSION OF RESOLUTIONS TO GOVERNMENT.

We desire to draw the attention of the Congress to the large number of instances in which the replies received to representations of the Associations have been to the effect "that the matter is receiving attention." We are of opinion that it would be advisable to take some further means of impressing upon the Government the necessity of taking action in connection with the various resolutions submitted, and suggest that the Executive Committee be instructed to make arrangements so that the resolutions of the Associations may be submitted to the Right Hon. the Prime Minister by means of a deputation.

The Executive Committee recommends:

That the suggestion contained in the above report be adopted.

ADOPTED.

3. CONCESSION TO DELEGATES TRAVELLING OVER THE SOUTH AFRICAN. RAILWAYS.

The Municipal Association of the Orange Free State points out that it has on several occasions approached the Hon. the Minister for Railways and Harbours on this matter, and that in each case the reply received was that the concession cannot be granted. In support of the claim, the Orange Free State Municipal Association refers to the fact that the deliberations of Municipal Congresses are of as important a character as the functions which are carried out by other conferences, such as Chambers of Commerce, religious bodies, etc., etc., and it is therefore urged that representations should be made by the United Municipal Associations of South Africa, urging the Government to grant Municipal Associations this privilege, which, it is understood, other bodies have and are enjoying.

The Orange Free State Municipal Association therefore recommends:

That representations be made to the Railway Administration on the lines indicated in the above report.

WITHDRAWN.

The Cape Municipal Association recommends:

That delegates attending meetings of Municipal Associations should be granted free railway passes for that purpose.

ADOPTED.

4. LICENSING AND CONTROLLING OF KAFFIR EATING-HOUSES.

The Orange Free State Municipal Association states that, in its opinion, the establishment of Kaffir eating-houses in the centre of a town is most undesirable, and points out that Municipalities in that Province have not at present the power to prohibit the opening of these places. In several of the district towns of the Free State, Kaffir eating-houses have been put in buildings in the neighbourhood of residential properties and desirable places of business, and it is felt that the hands of the Free State Association would be considerably strengthened if a recommendation from the United Municipal Associations is submitted to the Union Government, urging upon them that provision should be made whereby Municipalities will have better control, and have the right to prohibit the establishment of these places of business in the centres of towns.

The Orange Free State Municipal Association therefore recommends:

That the proposal contained in the above report be adopted, and that the Union Government be asked to take such steps as may be necessary to give effect thereto.

ADOPTED.

5. MOTOR CAR LEGISLATION.

The Executive Committee of the Municipal Association of the Orange Free State states that it is given to understand that while the Motor Car Bill in the Free State has been dealt with by the Orange Free State Provincial Council, the Provincial bodies of Natal and the Transvaal have not yet decided upon the adoption of the regulations which are necessary

to be framed in connection with such a Bill, and it is felt that these regulations should be uniform throughout the whole of South Africa. One of the many reasons for this suggestion is that an owner of a motor car residing, *e.g.*, in Bethulie, would be put to considerable inconvenience if the regulations applicable to the Cape Province were different from those of the Orange Free State, inasmuch as by travelling across the border he would be subjected to a great deal of inconvenience.

On the general question of the Ordinances of the Provincial Councils relating to motor cars, the Transvaal Municipal Association submits a letter from the Office of the Minister of Mines, dated the 12th May, 1913, in which it is stated that—

> "The Minister desires me to inform you that, in view of the increasing importance of motor car traffic in the Union, he concurs entirely with the view of your Association as to the necessity for the regulation of motor cars being carried out on uniform lines throughout the Union. It was with great reluctance, owing to the pressure of other business in Parliament, that the Government gave up the idea of introducing the Bill during the present session, and referred the draft to the Provincial Administrations. The Minister, however, is confident that the Provincial Administrations are equally impressed with the necessity for uniformity in legislation on this subject throughout the Union, and he feels sure that the Ordinances to be passed will in the main follow the lines which have been suggested by the Government. . . In any case, the Government is interested in uniformity being adhered to in all the more important details, and believes that the Provincial Administrations hold the same views."

The Transvaal Municipal Association further reports that Section 20 of the Transvaal Motor Car Ordinance, 1913, repeals the Sections of the Transvaal Local Government Ordinance, 1912, under which the Municipalities register and licence motor cars and motor cycles and register and licence drivers of motor cars and motor cycles, and that Section 17 provides that two-thirds of all fees received under the provisions of the Ordinance in respect of motor car licences from persons residing within the jurisdiction of any Local Authority shall be paid to Local Authorities. It will be seen from this that the Transvaal Provincial Administration has annexed a considerable proportion of Municipal revenue. At the same time, it is not at all likely that the regulation of motor cars and drivers will be more effectively provided for than prior to the introduction of the new Ordinance. In all probability the Municipalities will have to undertake a considerable amount of the services required in the control of motor cars and motor car drivers. It is estimated that in Johannesburg alone the loss of revenue to the Council will be about £5,000 per annum. This source of revenue will increase greatly in the near future. There can be no doubt that motor transport will more and more displace all other modes of transport, and consequently the source of revenue will greatly increase.

The Associations, at the last annual meeting, adopted the following resolutions:—

> "(a) That the United Municipal Associationes express the opinion that none of the revenues now available to Municipalities from licence duties should be transferred to the Provincial Administration, and that all trading licences throughout the Union be allotted to Municipalities.
>
> "(b) That this meeting is of opinion that the Report of the Financial Relations Commission fails to suggest means whereby the present inequitable taxation of the urban areas within the Cape Province for Divisional Council, School Board and Hospital expenditure may be satisfactorily adjusted, and expresses the hope that the legislation about to be enacted by the Union Government will make adequate provision for the removal of existing anomalies."

These resolutions were duly conveyed to the Government, and, in this connection, the attention of the Associations is directed to the terms of the Financial Relations Act of 1913. Section 16 of that Act reads as follows:—

> "Saving as to revenue of Local Authorities.
>
> (16). Nothing in this Act contained shall be construed as conferring upon the Executive Committee of any Province the right to exact licence fees which are or may be exacted by any Municipal or Local Authority in accordance with law."

When this Bill was advertised, the Section read as follows:—

> "Saving as to revenue of Local Authorities.
>
> (17). Save as in Sections thirteen and fifteen is provided in the case of Natal, nothing in this Act contained shall be construed as conferring upon the Executive Committee of any Province the right to exact licence fees which are or may be exacted by any Municipal or Local Authority in accordance with law. Save as aforesaid, the right to exact any such licence fees shall be retained by the Municipal or Local Authority as if this Act had not passed."

The Transvaal Municipal Association states that, in its opinion, it is quite clear that the principle proposed to be carried out in this Section was that Provincial Councils should not seize any revenues held by Local Authorities under the present law. The wording of the Act, however, is so bad that it is impossible to come to any other conclusion than that it was intentionally worded to enable Provincial Councils to cut into Municipal revenues, notwithstanding the assurance given that they would not be allowed to do so. It will be observed that the restrictions to grant licences now granted by Municipalities is placed on the "Executive Committee of any Province," and not on Provincial Councils. The Executive Committee of a Province could not at any time grant licences, and the restriction is therefore placed on the wrong parties. Another flaw in the clause lies in the words "in accordance with law." The Provincial Council has only to alter the law, and then it can issue licences at present issued by the Municipality. The first result of it is the Ordinance with regard to motor cars and drivers.

The Transvaal Municipal Association therefore recommends:

That the Union Government be asked to secure by legislation that in future the Provincial Councils shall not appropriate sources of revenue held by Local Authorities.

ADOPTED.

6. RAILLESS ELECTRIC TRAM EQUIPMENT.

Several Municipalities in the Transvaal Province have decided to establish railless electric tramways within their respective Municipal Areas. On behalf of the Municipalities concerned, application was recently made by the Transvaal Municipal Association to the Department of Customs and Excise for the admission of the necessary equipment for these tramways into the Union under Class 4, Section 123, of the Customs Tariff, under which equipment for ordinary electric tramways run on rails is admitted into the Union on payment of a duty of 3 per cent.

Section 123 of the Tariff referred to reads as follows:—

> "Tramway construction and equipment requisites as follows: Rails, sleepers, fastenings for rails or sleepers, iron gates, girders, iron bridge work, culvert tops, cars, trolleys, water tanks and turntables."

A reply was received from the Department of Customs and Excise, stating that it was not possible to admit the equipment for railless electric tramways under Tariff Item No. 123, which refers only to such tram cars as run upon rails. The Department, however, added that the matter will be brought up for consideration when the revision of the Tariff takes place, but, under the present conditions, duty must be levied under Tariff Item 175 (general *ad valorem* rate, 15 per cent.), which reads as follows:—

> "175. All goods, wares and merchandise not elsewhere charged with duty, and not enumerated in the Free List, and not prohibited to be imported into the Union, shall be charged with a duty of 15 per cent. *ad valorem*. Note—3 per cent. *ad valorem* will be rebated under Article 3 of the Convention."

Notwithstanding the reply from the Department of Customs and Excise referred to above, the Transvaal Municipal Association will be glad if the United Municipal Associations of South Africa will urge upon the Government, in the interests of the Local Authorities concerned, the desirability either of allowing the equipment for railless electric tramways to be admitted into the Union on payment of the duty for articles referred to in Item 123, or, otherwise, when the proposed revision of the Tariff is made, to grant a rebate of the difference between the duties chargeable under Sections 175 and 123 of the Customs Tariff to the Municipalities concerned.

The Transvaal Municipal Association therefore recommends:

That the proposal contained in the above report be adopted.

ADOPTED.

7. WEIGHTS AND MEASURES LAW.

The Transvaal Municipal Association desires to submit the following report as to the efforts which have been made from time to time to induce the Government to provide for uniform laws regarding the use of weights and measures and the sale of goods by nett weight:—

When the Johannesburg Municipal Assize Department was established in 1902, the attention of the Transvaal Government was directed to the fact that the existing laws in connection with weights and measures and the sale of goods was totally inadequate for the protection of the public. The Johannesburg Municipal Council was accordingly given power to make By-laws for regulating and controlling the use of weighing instruments, weights and measures and the sale of goods by weight or measure. Such By-laws were made, and became operative in May, 1903. In August, 1904, the Transvaal Government published a Draft Weights and Measures Ordinance, modelled on the lines of the Johannesburg Municipal Assize By-laws, and intimated its intention of introducing the measure during

the 1904 session of the Transvaal Legislature. As the measure had been brought forward somewhat hurriedly, it was considered that insufficient time had been given for public bodies to express an opinion on such contentious points as the proposals relating to land measurement, etc. The Draft Ordinance was, therefore, withdrawn by the Government, and, in August, 1905, the Assistant Colonial Secretary of the Transvaal Government intimated to this Committee that the measure had been submitted to the Governments of the neighbouring Colonies, to the Chambers of Commerce in the Transvaal Colony, and to the Board of Trade in England. With a view to submitting the Draft Ordinance to the Transvaal Legislative Council in 1906, the Assistant Colonial Secretary stated that it was proposed that it should be revised in the light of the reports which had been received by a Commission representing the mining, commercial and Municipal interests. Before submitting definite proposals to the Government, this Committee was asked to suggest some suitable person to represent the Municipal interest. The request of the Government was complied with, and Mr. J. W. Quinn, then Mayor of Johannesburg, was nominated for appointment to represent the Municipal interest on the Commission. The Commission was in session for several months, and, finally, presented its Report, together with an amended Draft Ordinance, to the Transvaal Government in 1906. In this Report, the Commission unanimously recommended that the Draft Ordinance should be introduced into the Legislature without delay. The Transvaal Government, however, decided that, in view of the fact that the Administration would shortly be taken over by a Responsible Government, it was inadvisable to proceed with the Ordinance. When Responsible Government was granted to the Transvaal, continued efforts were annually made by this Association, by the Johannesburg Municipal Council and by other public bodies to induce the Government to deal with the subject. Although sympathetic replies were received, no action was taken by the Government. On account of the inaction of the Government, notwithstanding repeated representations urging them to proceed with the measure, the Germiston Municipality approached the Johannesburg Municipal Council in 1909 to secure an extension of the services of the Johannesburg Municipal Assize Department to the Germiston Municipality. The suggestion was considered, and it was then thought advisable to provide for a general Assize Department for the whole of the Witwatersrand Municipalities. The Government was approached on the matter, but advised that the proposed scheme should be held in abeyance pending the probable introduction of a Weights and Measures Bill, which was a modification of the 1906 Draft Ordinance, during the first session of the Union Parliament. The proposed joint arrangement was therefore dropped. In 1912, the Union Government introduced the Weights and Measures Bill into the House of Assembly, but the measure passed the first reading only. Prior to the last session of the Union Parliament, information was received from the Government to the effect that, owing to pressure of business, there was no probability of the Bill being dealt with during that session. On the 9th May, 1913, the Transvaal Municipal Association communicated with the Hon. the Minister for the Interior, urging upon the Government the necessity for the Bill being introduced into the Union Parliament and passed during the present session. It was pointed out, in this connection, that the Association was impressed with the dissatisfaction which prevailed with regard to the weight of farm produce and stock consigned to the Johannesburg Municipal Markets. In nearly all cases the weight, as registered before the consignment was despatched, was considerably greater than the weight ascertained on the goods being weighed by the correct weighing appliances belonging to the Johannesburg Municipality. The Municipal appliances are checked regularly and kept correct, but the weighing apparatus of country traders and of the Railway Administration are subject to no standard and are found to be inaccurate. In reply, the Association was informed by the Commissioner of Customs that Ministers had already decided that it would not be possible to introduce legislation on this matter during the session.

The Transvaal Municipal Association therefore recommends :

That the Government be informed that, in view of the statement contained in the above report, the United MunicipalAssociations of South Africa trusts that the Government will no longer delay introducing the Weights and Measures Bill into the Union Parliament.

ADOPTED.

8. CONSTITUTION.

The Associations, at the meeting held on the 2nd December, 1912, adopted the following resolutions :—

"(a) That a new clause be added to the Constitution, as follows :—

"'All Past Presidents of the United Municipal Associations of South Africa shall be Honorary Members of the Associations. They shall be entitled to take part in the deliberations of the United Municipal Associations, but shall not vote.'

"(b) That the foregoing clause shall remain in force for one year, and shall be subject to confirmation at the next meeting of the Associations."

RESOLUTION ADOPTED.

9. QUALIFICATION OF MUNICIPAL COUNCILLORS.

The Transvaal Municipal Association recommends:

That this meeting is of opinion that the Municipal Election Laws in force in the four Provinces of the Union should be amended to allow women to offer themselves as candidates for membership on the Councils of Local Authorities.

AMENDED and ADOPTED.

10. CENSORSHIP OF BIOSCOPE PICTURES.

The Associations, at the last meeting, referred the question of the censorship of bioscope pictures on their entrance to the country, to the Executive Committee for consideration and report.

In this connection, the Executive Committee desires to refer the Associations to Ordinances passed by the Cape and Transvaal Provincial Councils during the Associations' recent sessions, vesting the censorship of bioscope films in the Administrators of those Provinces.

RECEIVED.

11. INTERNATIONAL MUNICIPAL LEAGUE.

The Hon. Secretary of the Union of Canadian Municipalities has advised the Cape and Transvaal Municipal Associations that his Union, at its last annual meeting, adopted the following resolution:—

> "That the National Municipal League, the League of American Municipalities, the Association of Municipal Corporations of England, the London County Council, the Convention of Royal Burghs of Scotland, the South African Municipal Association, and such other Municipal bodies as may be found advisable, be invited by the Union of Canadian Municipalities to join with it in establishing an International Municipal Union, or League, for friendly intercourse and public advantage, and that the details be left to the Executive Committee, with full powers."

The following organisations have given formal adhesion to the plan: The National Municipal League of the United States of America, the Municipal Association of New Zealand, and the National Association of Local Government Officers, England (conditionally). The following bodies have the matter under favourable consideration: The Association of Municipal Corporations, England; the Convention of Royal Burghs, Scotland; the Local Government Officers' Association of the Cape Province, the United Municipal Associations of South Africa, the League of American Municipalities, Baltimore; the Municipal Association of the Cape Province, and the Local Government Association of New South Wales. Further, the Congress Internationale de Gand has proposed fusion.

Mr. C. R. Woodruff, the Secretary *pro tem.* of the League, has stated, in a communication dated the 6th May, 1913, that, in the light of the adhesions already recorded, and of the consideration now being given to the subject by a still larger number of organisations, the Hon. Secretary of the Union of Canadian Municipalities is of the opinion that the facts should be communicated to the various organisations interested, and to such others as may appropriately be addressed, with a view to the completion of the preliminary organisation, the adoption of a constitution and the election of officers. To that end, there has been prepared, in consultation with those who have given the subject most careful thought, the following draft of a constitution. Mr. Woodruff adds that he will be glad to have the vote and opinion of the United Municipal Associations of South Africa upon this draft constitution:—

"(1) The name of this Association shall be 'The International Municipal League.'

"(2) Objects: (a) To facilitate the effective co-operation of its members in the investigation, study and discussion of Municipal problems.

(b) To promote an international exchange of information and counsels in regard to plans proposed, methods adopted and results achieved in connection with the management and improvement of modern cities.

(c) To secure the most advantageous publication of such information as will be most useful to the members of the League and students of Municipal affairs.

(d) To further international friendship, harmony and progress.

"(3) The League shall be composed of such National, Provincial and State organisations as may be in sympathy with its objects and approved by its Executive Committee.

"(4) Each member of the League may appoint one or more delegates, not exceeding five in number, and the delegates so appointed shall constitute a Council, in which each organisation represented shall always be entitled to one vote, to be cast by its delegate or delegates or a majority of them. In this, as in all other cases in the League, appointments and votes by telegraph, cable, mail, messengers or proxies shall be valid. All delegates to the Council and all appointees of the League shall retain their positions until their appointments are cancelled or their successors appointed.

"(5) An Executive Committee of five persons shall be appointed by the Council, and shall have all necessary powers for the appointment and direction of officers and employees, the collection and disbursement of funds, the adoption of by-laws, and, in general, for carrying on the work of the League and promoting its objects. Provided always that there shall never be any attempt to formulate or express the opinion of the League as an organisation in regard to any Municipal or political question or contest, and provided also that no member of the League shall ever be subjected to any dues or assessments or any kind of pecuniary liability, nor committed to any enterprise involving such, without the written consent of its delegates.

"Appointments to the Executive Committee may be cancelled and vacancies may be filled at any time by the Council upon the suggestion of any member of the League.

"(6) Amendments to this constitution may be adopted at any time by a three-fourths vote of the Council, after notice mailed three months previously to all its members."

The Cape and Transvaal Municipal Associations recommend:

That the United Municipal Associations of South Africa consider and decide as to what action should be taken in the above matter.

ADOPTED.

The Executive Committee recommends:

That the Associations become a constituent member of the proposed International Municipal League, provided that the Executive Committee is satisfied in doing so the Associations will not be involved in any undue expenditure.

ADOPTED.

12. CONTAGIOUS DISEASES.

The Transvaal Municipal Association submits the following letter received from the Department of the Interior in connection with contagious diseases:—

"Department of the Interior,
"Pretoria,
"21st October, 1913.

"The Hon. Secretary,
"Transvaal Municipal Association,
"P.O. Box No. 1049,
"Johannesburg.

"Sir,—With reference to your letter of the 11th instant on the subject of the inclusion of syphilis in the list of notifiable infectious diseases, I have the honour to point out, for the information of your Association, that the object sought in notifying an infectious disease is early information of the occurrence followed by prompt isolation. Such prompt isolation is especially indicated in the case of those infectious diseases like small-pox, scarlet fever, etc., which suddenly appear in a community and spread rapidly unless promptly dealt with. Syphilis is not such a disease. It is a disease developing gradually in those affected with it. If not energetically treated when first it is discovered, it may last for years. Yet it is not markedly contagious all this time, and it is often followed by 'complications,' which, whilst 'syphilitic,' are not contagious at all. It is this long existence of the disease in a patient, and the subsequent non-contagious complications, which render notification a doubtful expedient. A system of notification would mean that the same patient would be notified as often as he changed his doctor. In accordance with the arrangement at present in operation in the Transvaal, the cost of notification would fall on the Municipalities in which the cases occurred.

"It may not be known to your Association that for the past three years there has been in force a system of medical examination of natives at Pass Offices, that natives in urban areas are periodically rounded up for vaccination and examined for syphilis, and that any employer who suspects that his native has syphilis may, on making application to the Pass Officer, have such native examined by the District Surgeon, who notifies the Pass Officer of the result of his examination. If the native is found to be syphilitic, he is either treated for that disease by the District Surgeon or is removed to Rietfontein Lazaretto. It is thought that this procedure, whilst not ideal, is as extensive as is allowed under the existing law, and that to adopt 'notification' would not yield any material assistance in dealing with the disease.

"I have the honour to be,

"Sir,

"Your obedient Servant,

"(Signed) E. H. L. GORGES,

"Secretary for the Interior."

The Cape Municipal Association recommends:

That the attention of the Government be drawn to the alarming spread of contagious diseases, and that the necessity of rigorously dealing with this scourge be urged upon the Government.

ADOPTED.

13. GRANTS FOR TREE PLANTING.

The Cape Municipal Association recommends:

That in view of the desirability of extensive works of afforestation being undertaken throughout the Union of South Africa, representations be made to the Government with regard to the urgent necessity for the provision of grants-in-aid to Local Authorities to enable such afforestation works being undertaken as early as possible by Municipalities, assisted by grants from the Government, and that the Government be requested to make provision on the Estimates for the ensuing year accordingly.

ADOPTED.

14. NATIVES.

The United Municipal Associations, at its last annual meeting, adopted the following resolution:—

> "That Government be requested to include in the proposed native legislation statutory power to enable Provincial Councils to legislate for the better control of natives by Municipal and Urban Authorities."

This resolution was duly conveyed to the Government and to the various Provincial Administrations.

A reply was received from the Provincial Secretary of the Transvaal, dated the 28th January, 1913, stating—

> "that a Bill is at present under consideration which is intended to give Municipal Authorities by law powers in regard to questions affecting natives. The Administrator desires me to add that he does not think it will be possible to introduce legislation delegating powers to the Provincial Councils to legislate in respect of these matters, as such powers are specially reserved to the Union Government under the South Africa Act."

The Executive Committee recommends:

That the Prime Minister be urged to introduce the promised legislation into the Union Parliament during next Session.

ADOPTED.

15. TRADING LICENCES.

The United Municipal Associations, at its meeting held on the 2nd December, 1912, adopted the following resolution:—

> "That the attention of the Government be urgently invited to the immediate necessity for legislation on the general question of trading licences."

The resolution was duly conveyed to the Government, but, beyond an acknowledgment from the Acting Under Secretary for the Interior that "the matter is receiving attention," it does not appear that anything further was done.

The Executive Committee recommends:

That the Associations re-affirm the following resolution:—

> "That the attention of the Government be urgently invited to the immediate necessity for legislation on the general question of trading licences."

ADOPTED.

16. MEDICAL INSPECTION OF SCHOOLS.

The Cape Municipal Association recommends:

That, having regard to the urgent necessity in the interests of the public health of more effective sanitary control of schools being instituted, the United Municipal Associations do approach the Union Government, with the respectful request that provision should be made at an early date for the regular and systematic medical inspection of schools within the Union.

AMENDED and ADOPTED.

17. LIQUOR LICENSING LAW.

The Cape Municipal Association recommends:

(a) That the Union Government be requested to amend the present Liquor Laws by providing that no liquor be supplied to natives other than those specially exempted, or that the power of imposing restrictions on the supply of liquor to natives be not within the discretion of each Licensing Court, but be made universal and defined by proclamation.

REFERRED TO SPECIAL SUB-COMMITTEE.

(b) That, in the opinion of the United Municipal Associations, increased representation should be given to Municipalities upon Licensing Courts, and that the United Municipal Associations' Executive be requested to secure the introduction of a Bill by the Union Government during the ensuing session of Parliament to give effect to the proposal.

RESOLUTION AMENDED AND ADOPTED.

F. C. HOLLANDER,
President.

16th November, 1913.

DECISIONS.

Sections 1 (Procedure) and 2 (Submission of Resolutions to Government).

RESOLVED: That the recommendations of the Executive Committee, contained in Sections 1 and 2 of the Report, be adopted.

Section 3 (Concession to Delegates Travelling over the South African Railways).

After discussion,

The President of the Orange Free State Municipal Association withdrew the recommendation standing in the name of his Association, and the Congress thereupon

RESOLVED: That the recommendation of the Cape Municipal Association, contained in Section 3 of the Report, be adopted.

Section 4 (Licensing and Controlling of Kaffir Eating Houses).

RESOLVED: That the recommendation of the Orange Free State Municipal Association, contained in Section 4 of the Report, be adopted.

Sections 5 (Motor Car Legislation), 6 (Railless Electric Tram Equipment) and 8 (Weights and Measures Law).

RESOLVED: That the recommendations of the Transvaal Municipal Association, contained in Sections 5 to 7 of the Report, be adopted.

Section 8 (Constitution).

MOTION: Moved by Mr. Sanders, seconded by Mr. Holmes:—

> "That the Clause set out in this Section of the Report be confirmed, subject to the last paragraph being amended to read as follows: 'So long as they continue to be members of the Council of a Local Authority they shall be entitled to take part in the deliberations of the United Municipal Associations, but shall not vote.'"

Mr. Hands suggested that the amendment moved by Mr. Sanders be agreed to, subject to the deletion of the following words, "but shall not vote."

Mr. Sanders agreed to amend the amendment as suggested by Mr. Hands.

After discussion, the Chairman ruled the amendment out of order, as being in conflict with Section 18 of the Constitution.

NOTED AND RESOLVED: That the Clause, as set out in Section 8 of the Report, be confirmed, and that the same stand part of the Constitution.

Section 9 (Qualification of Municipal Councillors).

MOTION: Moved by Mr. Brown, seconded by Mr. Leslie:—

> "That the recommendation of the Transvaal Municipal Association, as set out in this Section of the Report, be adopted."

AMENDMENT: Moved by Mr. Sanders, seconded by Mr. Holmes:—

> "That the motion submitted by Mr. Brown be considered by the meeting in Committee."

AMENDMENT *put and negatived.*

AMENDMENT: Moved by Mr. Jacobson, seconded by Mr. Sanders:—

> "That the resolution submitted by Mr. Brown stand over for consideration until the next meeting of the Associations."

AMENDMENT: Moved by Mr. Turner, seconded by Mr. Caskie:—

> "That this meeting is of opinion that where the Municipal Election Laws in force in any Province of the Union provide for the Municipal enfranchisement of women, women should be allowed to offer themselves as candidates for membership on the Councils of Local Authorities in such Province."

AMENDMENT: Moved by Mr. Cluver, seconded by Mr. Oppenheimer:—

> "That this meeting is of opinion that the Municipal Election Laws in force in the four Provinces of the Union should be amended so as to enable Municipal Councils to co-opt and add women to a Committee of such Council."

After discussion, Mr. Brown, with the consent of his seconder, asked the permission of the meeting to withdraw his motion.

RESOLVED: That the permission asked for by Mr. Brown be granted.

The amendment submitted by Mr. Jacobson thereupon became the motion.

The amendment submitted by Mr. Cluver was put and negatived.

The amendment submitted by Mr. Turner was put and adopted, as follows:—

> "That this meeting is of opinion that where the Municipal Election Laws in force in any Province of the Union provide for the Municipal enfranchisement of women, women should be allowed to offer themselves as candidates for membership on the Councils of Local Authorities in such Province."

This amendment was then put as the substantive motion and adopted.

RESOLVED *accordingly.*

Section 10 (Censorship of Bioscope Pictures).

RECEIVED.

Section 11 (International Municipal League).

RESOLVED: That the recommendations of the Cape and Transvaal Municipal Associations, and of the Executive Committee, contained in Section 11 of the Report, be adopted.

Section 12 (Contagious Disease).

RESOLVED:

(a) That the recommendation of the Cape Municipal Association, contained in Section 12 of the Report, be adopted; and

(b) That the thanks of this Congress be conveyed to the Cape Municipal Association for submitting the recommendation, and to Mr. Oppenheimer for the manner in which he has submitted the matter to the notice of the Congress.

Section 13 (Grants for Tree Planting).

RESOLVED: That the recommendation of the Cape Municipal Association, as contained in Section 13 of the Report, be adopted.

Section 14 (Natives) and 15 (Trading Licences).

RESOLVED: That the recommendations of the Executive Committee, contained in Sections 14 and 15 of the Report, be adopted.

Section 16 (Medical Inspection of Schools).

MOTION: Moved by Mr. Cluver, seconded by Mr. Hands:—

> "That the Government be requested to introduce legislation making it compulsory to have medical, dental and occular inspection of all children attending Schools, and to provide for a wider teaching of hygiene."

AMENDMENT: Moved by Mr. Ware, seconded by Mr. Haarburger:—

> "That the following words be added to the motion: 'and that such treatment be given free of charge.'"

AMENDMENT *put and negatived.*

MOTION submitted by Mr. Cluver *put and adopted.*

Section 17 (Liquor Licensing Law).

At this stage, Mr. W. P. M. Henderson, Assistant Town Clerk of Durban, read a paper on "The Municipal Control of Native Beer." (See Appendix to these Minutes.)

RESOLVED: That Recommendation (a) of the Cape Municipal Association be referred to a Sub-Committee, consisting of the President and Messrs. van der Riet, Leslie, de Villiers and Sanders, for consideration and report.

18. PLACE AND DATE OF ANNUAL MEETING.

Mr. Hands extended, on behalf of the Capetown Municipal Council, and Mr. Oppenheimer, on behalf of the Kimberley Municipal Council, an invitation to the Associations to hold the Ninth Annual Meeting in 1914 at Capetown and Kimberley respectively.

RESOLVED: That the invitation submitted by Mr. Hands be accepted, with thanks, and that the Ninth Annual Meeting be held at Capetown, either in the last week of November, 1914, or early in December, 1914, on a date to be fixed by the Executive Committee.

At this stage (5 p.m.) the Congress resolved to adjourn until Tuesday, the 18th November, 1913, at 9.30 a.m.

TUESDAY, 18th NOVEMBER, 1913.

The Congress resumed business at 9.30 a.m.

Section 17, Sub-section (a) (Liquor Licensing Law).

The President submitted the following Report of the Sub-Committee appointed on the 17th November, 1913:—

Report of the Sub-Committee *re* "Liquor Licensing Laws."

Report of the Sub-Committee, consisting of the President and Messrs. Sanders, Leslie, van der Riet and de Villiers, appointed by the United Municipal Associations of South Africa on the 17th November, 1913, to consider and report upon the following recommendation of the Cape Municipal Association:—

> "That the Union Government be requested to amend the present Liquor Laws by providing that no liquor be supplied to natives other than those specially exempted, or that the power of imposing restrictions on the supply of liquor to

natives be not within the discretion of each Licensing Court, but be made universal and defined by proclamation."

We have to report that we have considered the matter referred to us, and beg to recommend that the following resolutions be adopted by the United Municipal Associations, viz. :—

"(a) That the United Municipal Associations of South Africa support the recommendation of the Cape Municipal Association that the Union Government be requested to amend the present Liquor Law in force in the Cape Province by providing that no spirituous liquor shall be supplied to aboriginal natives other than those specially exempted.

REFERRED TO PROVINCIAL ASSOCIATIONS FOR CONSIDERATION AND REPORT.

"(b) That the United Municipal Associations of South Africa affirms the principle that the manufacture and supply of native beer to natives within urban areas should be municipalised, conditionally upon the profits being devoted entirely to the benefit of the natives in those areas."

REFERRED TO PROVINCIAL ASSOCIATIONS FOR CONSIDERATION AND REPORT.

F. C. HOLLANDER,
President.

Bloemfontein,
17th November, 1913.

RESOLVED: That the recommendations of the Sub-Committee, contained in its Report, be referred to the various Provincial Associations for consideration and report to the next Annual Meeting of this Congress; further, that each Provincial Association report on the question of liquor conditions in the Union generally, with a view to the adoption of principles for a uniform Liquor Law for the Union.

Section 17, Sub-section (b).

RESOLVED: That the recommendation of the Cape Municipal Association, as contained in Sub-section (b) of Section 17 of the Report, be amended and adopted in the following form : —

"That, in the opinion of the United Municipal Associations of South Africa, increased representation should be given to Municipalities upon Licensing Courts, and that the United Municipal Associations' Executive be requested to make representations to the Government to secure this object."

SUPPLEMENTARY REPORT

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1. RATING OF GOVERNMENT PROPERTY.

The Associations at its last annual meeting reaffirmed its previous resolutions on this matter as follows :—

"(a) That the Union Government be respectfully requested to introduce legislation securing to all Municipal authorities throughout the Union the right to levy and collect rates in respect of Government property for Municipal purposes, the property of the Imperial Government being excepted.

"(b) That with reference to the paragraphs in the report of the Railway Commission now before Congress, the Government be advised that, in the opinion of the United Municipal Associations, any legislation which may be introduced to give effect thereto should make adequate provision for the rights of Municipalities to levy and collect rates in respect of such coaling and trading sites and the buildings thereon."

These resolutions were duly conveyed to the Government, and on the 16th January, 1913, the Under Secretary for Finance wrote, stating that : "in view of the large number of more important measures to be dealt with during the coming session of Parliament, the Minister of Finance has decided that the question of the payment of assessment rates to Municipalities by the Government should stand over for the time being."

We may here refer to the answer given by Ministers to the deputation which waited upon the Prime Minister and the Minister of Finance, in February, 1912 :—"The Government was at present considering the question of imposing a liability on the State for certain classes of Crown property which were not used for public purposes, and that legislation on the lines (more or less) of the Cape Acts Nos. 36 of 1891 and 19 of 1892, would probably be introduced."

At the meeting of the Associations, held at Maritzburg in 1911, certain information was submitted explanatory of the diversity of conditions which exist in the various Municipalities of the Union with regard to this matter.

The following statement has been sent forward by the Secretary for the Natal Municipal Association :—

"I presume the question of rating of Government Property will be on the Agenda again for discussion. The Pietermaritzburg Corporation has had considerable correspondence with the Railway Adminis-

tration regarding contribution for Fire Brigade services. An agreement was made in 1901 between the Natal Government and the Corporation, whereby the Government undertook to contribute one-third of the cost of maintenance of the Fire Brigade up to an amount not exceeding £500 per annum.

"An Act was passed by the Natal Parliament in 1910 which rendered liable to Municipal rates certain Government properties, provided that *inter alia* the agreement *re* Fire Brigade contribution was to lapse in so far as it related to properties which were by such Act made liable to rates. Accounts have been rendered for the proportion of the £500 applicable to properties which are not liable to be rated under the 1910 Act, including railway property, but the Government has decided that 'in the absence of evidence that the original Agreement was in respect of all Government buildings in the Borough, the Railway property was excluded when the basis of contribution was originally arrived at.'

"At the time the Agreement was entered into with the Natal Government (1901), the Mayor wrote a letter to the Government in which he stated the Government property, exclusive of Railway property, represented in value about one-eighth of the whole Borough. It was impossible to quote the valuation of Railway property at that time, as it was not included in the Valuation Roll. That the Railway property was understood to be included in the Agreement, however, is borne out by the fact that services from the Fire Brigade have been from time to time rendered to Railway properties."

The position of the Municipal Council of Johannesburg is defined in the following report submitted by the Finance Committee to the Council on the 30th October, 1913. This report also conveys information with regard to the present attitude of the Government on this matter :—

"The Finance Committee submitted to the Council on the 2nd September, 1912, a report setting out the hardships sustained by this Municipality by the refusal of the Government to pay assessment rates on Government property not used for Government purposes. The Council then authorised the Finance Committee to appoint a deputation to interview the Government on this matter. A deputation, consisting of the Chairman and Vice-Chairman of the Finance Committee and Mr. Treu, was received by the Minister for Finance, at Pretoria, on Monday, the 27th instant. The Committee submitted to the Minister a list of properties registered in the names of the various Government Departments on which assessment rates had not been paid. The properties in the list are not used for Government purposes, and are let by the Government to private individuals for commercial and residential purposes. The statement shows that the rates in respect of such properties to 30th June, 1913, amounted, exclusive of interest, to £7,953 16s. 9d., and for the current half-year to £816 7s. 3d. The deputation pointed out that the Witwatersrand area was in a different position from the whole of the Union of South Africa in this matter. In certain towns, not only did the Government pay the rates on the Government property not used for Government purposes, but also made grants-in-aid in respect of rates on Government property used for public purposes. The Minister was reminded of the statement made by the Prime Minister and the then Minister for Finance to a deputation which interviewed them on the 27th Febrnary, 1912, to the effect that the Government was then considering the question of imposing a liability for certain classes of Crown property which were not used for public purposes, and that legislation on the lines, more or less, of the Cape Acts would probably be introduced.

"The Minister replied to the deputation that, as the law stood, there was no liability on the Government to pay such rates in the Witwatersrand Area, and that the Government was not prepared to accept a liability by making a grant-in-aid ; that no legislation on the lines indicated in 1912 would be brought forward in the forthcoming session of Parliament ; that the matter was one of greater complexity than appeared at first sight, and that it would require very careful consideration before legislation were attempted."

Report of Executive Committee.

We have to report that during the past year an opportunity was taken to submit to the Select Committee on the Railways Regulations Bill the views of the United Associations regarding the liability of the Railway Administration to pay to the Local Authorities licences in respect to the Administration's Trading Concerns. Sir Frederick Smith and Mr. Finch, the Town Clerk, Capetown, submitted the resolutions passed by the United Municipal Associations on this matter to the Select Committee.

The Executive Committee recommends :

That the thanks of the Associations be conveyed to Sir Frederick Smith and the Town Clerk of Capetown for their services in connection with this matter.

ADOPTED.

2. STAMP DUTIES AND FEES ACT, 1911.

The Associations, at the Seventh Annual Meeting held on the 2nd December, 1912, passed the following resolutions :—

"(a). That the Government be respectfully requested to obtain, in any amendment of the Stamp Duties and Fees Act, 1911, the power to refund or remit, as the case may be, the duty paid or payable by Corporations under the Act since it became law, and that, pending the passing of such amending legislation, the Government should not insist upon further payments being made in respect of the transfer duty by Municipalities or other Corporations concerned to the Government.

"(b) That the Government be respectfully requested to refrain from the requirement to stamp Municipal Market Notes and Municipal Certificates, pending the promised amending legislation."

The following memorandum was prepared and submitted to the Prime Minister and the Minister for Finance on the 31st January, 1913 :—

"At a meeting of the United Municipal Associations of South Africa, held at Maritzburg on the 27th November, 1911, the President (Sir Frederick William Smith, Kt.) referred in his presidential address to the Stamp Duties Act of 1911. An exhaustive memorandum dealing with this matter was submitted to the Associations, together with a letter, which was addressed by the Prime Minister to Sir Frederick William Smith. That meeting adopted the following resolution :—

'That this Conference instructs its Executive to make representations to the Government for the repeal of the Act to the extent necessary, and for the refund of the duty paid (if any).'

"The Act of 1911 affects Municipalities in three directions : (1) the duty on transfer of Municipal Stock ; (2) the stamping of Municipal Market Notes ; and (3) the stamping of Municipal Certificates.

"In pursuance of the instructions of the Associations, a deputation waited upon the Rt. Hon. the Prime Minister and the Hon. the Minister of Finance, on the 27th February, 1912. A memorandum of the interview is as follows :—

'A deputation, representing the United Municipal Associations of South Africa, waited upon the Right Honourable the Prime Minister and the Honourable the Minister for Finance on Tuesday, the 27th February, 1912, at 9 30 o'clock a.m., with regard to the question of Stamp Duties and Fees Act, 1911, in so far as the same affected Municipalities.

'The deputation consisted of the following gentlemen, viz :—

'Mr. H. J. Hofmeyr (President of the United Municipal Associations of South Africa), Sir Frederick Smith, Kt., J.P. (Mayor of Capetown), Sir John J. Graham, K.C.M.G. (Mayor of Claremont), Mr. F. C. Hollander (Mayor of Durban), Mr. D. Sanders (Mayor of Pietermaritzburg), Mr. W. Gasson (Mayor of Kimberley), Mr. Councillor F. Nettleton (Pretoria), Mr. W. Runciman, M.L.A. (Simonstown), Mr. M. L. Wessels (Mayor of Green Point and Sea Point), Mr. J. A. Neser, M.L.A. (Potchefstroom), Mr. C. Henwood, M.L.A. (Durban), Mr. W. Duncan Baxter, M.L.A. (Depnty-Mayor, Capetown), Mr. Borcherds (Mayor of George), and Mr. J. R. Finch (Town Clerk of Capetown).

'I. It was represented that Municipal Stocks should be exempted from the payment of the stamp duty of 1s. per £100 on transfers prescribed by Item 16 of the Schedule. of the Stamp Duties and Fees Act, 1911, It was pointed out that, at the time when the stocks were issued, it was represented by the Municipalities that no stamp duty on transfers of stocks would be payable and that in consequence of this representation the burden of the duty would have to be borne by Municipalities.

'II. It was also urged that brokers' notes in respect of small sales on Municipal markets should be exempted from stamp duty under Item 10.

'III. It was also represented that the stamp duty prescribed under Item 11 shall not apply to certificates issued by the Municipalities.

'IV. The last point raised was that the Government should assume responsibility for the payment of Municipal rates on those Government properties which were not used by the State for public purposes.

'The Minister for Finance replied to the deputation on behalf of the Government, and stated with regard to :

'Item I, that the Government was considering the question of bringing in an Amended Stamp Bill during the present session (if possible), and that, in view of the fact that the stamp duties on transfers of Municipal Stock fall upon the Municipalities and not on the transferrees, the Government would, in the Amended Bill, exempt the Municipalities in respect of stock issued prior to the passing of the law.

'With regard to Item II., he intended in the amending law, to exempt small sales on Municipal Markets from the stamp duty on brokers' notes.

'As to Item III., that the Government was willing to exempt certificates issued by the Municipalities in the ordinary course of their business from the stamp duty.

'With regard to Item IV., that the Government was at present considering the question of imposing a liability on the State for certain classes of Crown property which was not used for public purposes, and that legislation on the lines (more or less) of the Cape Acts, Nos. 36 of 1891 and 19 of 1892, would probably be introduced.'

"From the replies which were given to the deputation, it appears that the Government accepts the reasonableness of the representations made on behalf of the Municipalities. So far, however, there has been no publication of the proposed amending legislation. In the interval, the various dues have been imposed by the Government, the Revenue Department taking up the attitude that, until the law be altered, the charges must be paid.

"The following communications have passed between the Municipal Associations and the Finance Department, dated 25th April and 9th May, 1912 :—

"'I have been instructed by Mr. H. J. Hofmeyr, the President of the United Municipal Associations of South Africa, to write to you with regard to the matters which were discussed by the deputation representing the United Municipal Associations of South Africa, which waited upon the Right Honourable the Prime Minister and the Honourable the Minister of Finance at Capetown, on Tuesday, the 27th February, 1912, at 9.30 a.m., and in particular with regard to the question of the Stamp Duties and Fees Act, 1911, in so far as the same affected Municipalities.

"'You will remember that it was represented by the deputation that Municipal Stocks should be exempted from the payment of the stamp duty of 1s. per £100 on transfers prescribed by Item 16 of the Schedule to the Stamp Duties and Fees Act, 1911, and that the reply given to the deputation by the Minister of Finance on behalf of the Government, was that the Government was considering the question of bringing in an amending Stamp Bill during the present session, if possible, and that, in view of the fact that the stamp duties on transfers of Municipal Stock fall upon the Municipalities and not on the transferrees, the Government would, in the amending Bill, exempt Municipalities in respect of stock issued prior to the passing of the law.

"'The various Municipalities concerned have been making enquiries of the United Municipal Associations as to whether in the meantime the transfer duty should continue to be paid by the Municipalities to the Government, and also as to whether the transfer duty already paid would be refunded to the Corporations which have paid the same. It has been stated that the Government has no power to exempt Local Authorities or any body or person from the operation of the law, and that, pending the passing of the proposed amending legislation, the provisions of the existing law will have to be observed.

"'The President of the United Municipal Associations has requested me to make representations to you as follows :—

'(1) That the Government, in any amendment of the law which may be made, should insert provision enabling it to refund or remit, as the case may be, the duty paid or payable by the Corporations under the Act since it came into operation.

'(2) That, in the meantime, pending the passing of the amending legislation, the Government should not insist upon further payments being made in respect of the transfer duty by the Municipalities concerned, to the Government.

"'In this latter connection, it is believed that the Government does not insist upon the payment of the transfer duty in respect of Government Stock, and it appears that the power which enables the Government to do this might be sufficient to enable the Government to refrain from asking any further payments from the Municipalities in respect of the transfer of Municipal Stocks."

Letter from the Acting Secretary for Finance, dated 9th May, 1912.

"'I beg to acknowledge receipt of your letter of the 25th ultimo on the subject of the duty levied under the Stamp Duties and Fees Act, 1911, and to inform you that your representations have received careful consideration, but that it is regretted that the proposal to refund the amount of duty already paid on the transfer of Municipal Stock cannot be entertained, and, therefore, pending the passing of amending legislation, Corporations must continue to pay the duty prescribed in the principal law.'"

"Some Municipalities took advantage of the expressions of opinion made by the Ministers to the deputation, and have not paid transfer duty, nor stamped Market Notes, nor Certificates issued by Municipalities in the ordinary course of their business, while other Municipalities followed the instructions of the Finance Department. A good deal of confusion is being caused by the delay in dealing with these matters, and by the fact that certain Corporations have paid to the Government the transfer duty in respect of the transfer of Municipal Stock, while other Corporations have not done so.

"The United Municipal Associations, on the 2nd December, 1912, passed the following resolutions :—

'(a) That the Government be respectfully requested to obtain, in any amendment of the Stamp Duties and Fees Act, 1911, the power to refund or remit, as the case may be, the duty paid or payable by the Corporations under the Act since it became law, and that, pending the passing of such amending legislation, the Government should not insist upon further payments being made in respect of the transfer duty by Municipalities or other Corporations concerned to the Government.

'(b) That the Government be respectfully requested to refrain from the requirement to stamp Municipal Market Notes and Municipal Certificates, pending the promised amending legislation.'

"Since these resolutions were adopted, instructions have been issued by the Government Departments that Market Notes should no longer be stamped. These instructions followed on a decision by the Appeal Court to the effect that Market Notes are not brokers' notes, and are not subject to the stamp, thus overturning previously issued instructions by the Government.

"It is believed that a remedy could be afforded by the Executive without waiting for the authority of Parliament, and in view of the expressed intention of the Government to remove the causes of complaint, it is submitted that this should be done without delay, and that Government officials be instructed to refrain from attempts to enforce payment of the duties objected to."

The foregoing memorandum was at the same time circulated to members of the Senate and of the Union Parliament, and others.

On the 7th February, 1913, the Mayor of Capetown addressed a letter to the Prime Minister, in which were repeated the representations made by the United Associations to the Government; this letter and other correspondence is submitted as an appendix to this report.

The following extracts from the Minute of His Worship the Mayor of Capetown, for the year ending 31st August, 1913, deals with this matter :—

"Stamp Duties and Fees Act, 1911.

"A considerable amount of time and attention has been devoted to the consideration of this matter by the Council during the period under review, and lengthy correspondence ensued with the Government in regard thereto. In the Minute of my predecessor, the Council were informed of the intimation given by the Honourable the Minister for Finance, regarding the introduction of amending legislation in this matter. Pending the introduction of such legislation, however, it was claimed by the Government that stamp duty should be paid by Municipalities on transfers of marketable securities. During the course of the negotiations the Council had been informed by the Right Hon. the Prime Minister that the Government was 'endeavouring to establish the principle that all property in or connected with the Union, without distinction, shall be required to contribute to the taxation of the Union, whether the property be held by persons who live in the Union or who live outside the Union.' It appeared, however, that in deference to the representations made to the Government representative in London by the bankers with whom Government and Municipal stocks are inscribed, the Government had decided to exempt their stocks from the transfer duty. It was accordingly urged upon the Government that the power which enabled the exemption of Government stocks might also be sufficient to enable the Government to refrain from asking any further payments from the Municipalities in respect of the transfer of Municipal stocks. Furthermore, it was pointed out that if the provisions of the Stamp Duties and Fees Act were enforced in regard to Municipal stocks, the duty would not fall upon the holders of such stock, but upon the Municipalities in terms of the Prospectuses of Municipal loans. In addition to the representations made by the Council in this matter, the case for the Municipalities was also presented by the Association of Municipal Corporations of the Cape Province, and I am pleased to be able to state that, as the result of the representations made, I received on the 28th May from the Honourable the Minister for Finance, a draft of a measure which was subsequently passed by Parliament, affording the desired relief to Municipalities in the matter of stamping marketable securities."

On the 6th May, 1913, the Town Clerk of Capetown addressed the following letter to the United Municipal Associations, suggesting that the latter should take action in view of the threat of litigation on the part of the Government :—

"His Worship the Mayor has received a letter from the Secretary for Finance, dated 30th April, ultimo, in reply to a communication which he addressed to the Government on the 7th February last with reference to the Stamp Duties and Fees Act, 1911, in which the Secretary for Finance refers His Worship to a communication addressed to you on the 14th February, dealing with the points upon which representations were made to the Right Honourable the Prime Minister and the Minister for Finance by the deputation representing the United Municipal Associations on the 27th February, 1912, in reference to the Act.

As you will observe in the letter dated 14th February, the Secretary for Finance states that until the amending measure promised by the late Minister for Finance has been passed by Parliament, Municipalities must comply with the law as it stands, and that any Municipalities failing to comply with the law must be prepared to take the consequences.

"Having regard to the position which is taken up by the Secretary for Finance, I am instructed to ask what steps the United Municipal Associations propose to take in the matter.

"In the event of the Government deciding to bring a test case before the Court, it might be advisable that the Executive Committee of the United Municipal Associations were to deal with the matter with a view to the selection of the best case for the purpose of resisting the attempts which are being made to reqnire the Municipalities to pay the stamping charges."

A reply was sent by the Hon. Secretary of the Associations on the 28th May, 1913, in the following terms to the Town Clerk, Capetown :—

"I regret that your letter of the 6th instant has remained unanswered for so long.

"I enclose for your information copy of correspondence which I have had with Government Departments on this matter. You will notice that the Commissioner for Inland Revenue, Mr. Sheridan, is very emphatic as to the obligation on Corporations to pay the duty, whereas the Secretary for Finance, Mr. Leisk, refers to practical considerations which limit the enforcement of payment of the transfer duty on Union Stock. I think the same practical considerations apply to Municipal Stock, and my opinion is, for what it is worth, that the Government will not sue any Municipality in connection with this matter. The practical considerations of which the Government are well aware will, I think, ultimately weigh with the Government Departments."

APPENDIX.

Correspondence *re* Stamp Duties and Fees Act, 1911, submitted to the United Municipal Associations, November, 1913 :—

Letter, dated 4th February, 1913, from the Commissioner for Inland Revenue, Capetown, to the Hon. Secretary, United Mnnicipal Associations of South Africa, P.O. Box 1049, Johannesburg.

"Stamp Duties and Fees Act, 1911.

"I have the honour to acknowledge the receipt of your letter on this subject, dated 31st ultimo, and of the memorandum therewith enclosed.

"As regards the three matters therein dealt with :

"(1) Market Masters' Notes.—You will remember that this matter has been already settled ;

"(2) Certificates by Municipal Officers.—The stamping of these documents was brought into requirement during my absence in the middle of 1911 on an opinion given by the legal advisers. Since I have had an opportunity of fully considering that opinion, I feel inclined to differ from it, and I am prepared to refer the matter qack for reconsideration under the new aspects which have since arisen ;

"(3) The stamping of transfers of stock.—I shall be obliged if yon will kindly give your attention to the terms of Section 15 of the Act of 1911 and Item 16 (3) of the Stamp Duties Tariff in that Act. You will see that the duty on transfers, which is at the very low rate of 1s. per cent., falls in no way on Municipalities, but only on the transferee or purchaser of the stock ; that being the position, it is difficult to see what grounds Municipalities have for the attitude they are taking up on this matter, and I shall be obliged if you will endeavour to explain it. I am aware that certain statements as to stamp duty were made in certain prospectuses as a kind of bankers' advertisement, but you must surely be aware that those statements can only have had reference to the English stamp duties for which composition payment had been made, and, in so far as South African stamp duties might have been concerned, the statements were entirely without authority, and I cannot see on what ground recognition for such statements can now be claimed. The utmost that can be done under Mr. Hull's promise would be to exempt from the transfer tax stock which had been issued prior to the passing of the Act of 1911, and such differentiation between one date of stock and any later issue would, instead of being a help, only be a confusion and an embarrassment in the stock market and to all persons concerned therein. Any difficulties on the subject were originally started in London, and so far as I can see, South African Municipal representatives are simply following without much thought the self-interested lead that was there given."

Letter, dated 4th February, 1913, from the Secretary to the Prime Minister, Capetown, to the Hon. Secretary to the United Municipal Associations of South Africa, P.O. Box 1049, Johannesburg.

"I have the honour to acknowledge the receipt of your letter of the 31st ult., forwarding a copy of a memorandum in regard to the Stamp Duties and Fees Act, 1911, which will be brought to the notice of the Prime Minister at the earliest opportunity."

Letter, dated the 7th February, 1913, from the Mayor of Capetown, to the Prime Minister, Capetown.

"I have the honour to inform you that a communication has been received by the Capetown Corporation from the Civil Commissioner, inviting attention to the provisions of Sub-section (1) (b) of Section 15 of Act No. 30 of 1911, which the Civil Commissioner states requires that the deeds of declaration relating to the transfer of marketable securities shall at all reasonable times be open for inspection, and that if the declarations have been executed outside the Union they shall be produced within a reasonable time.

" It will be within your recollection that a considerable amount of correspondence has ensued between this Corporation and the Government and between the Municipal Association of the Cape Province, with regard to questions affecting Municipalities which have arisen in connection with the administration of Act No. 30 of 1911, and in this connection I might respectfully invite your attention to your communication, dated 18th October, 1911, addressed to Sir Frederick Smith, in which it was pointed out that the Government was 'endeavouring to establish the principle that all property in or connected with the Union, without distinction, shall be required to contribute to the taxation of the Union, whether the property be held by persons who live in the Union or who live outside the Union.'

" It appears, however, that the Government have found it impossible to impose this principle in regard to the transfer of Government stock, for the Corporation have been advised that, as the result of the representations made to the Government representative in London by the bankers with whom Government and Municipal stocks are inscribed, the Government decided to waive the duty as far as Government stocks were concerned.

" When the deputation representing the Municipal Associations waited upon yourself and the Honourable the Minister for Finance on the 27th February, 1911, it was pointed out that all Municipal stocks had been issued subject to certain conditions contained in a prospectus *inter alia* providing that all stamp duty on transfers should be paid by the Corporation issuing the stock and not by the holders of such stock, and that if any stamp duty could be recovered in London by the Union Government it would only be at the expense of the several Corporations.

" As I believe both yourself and the Honourable the Minister for Finance clearly saw that the principle which the Government was endeavouring to establish could not be attained, an intimation was given that amending legislation would be introduced to provide that Municipalities should be exempted from paying stamp duty. Nearly two years have passed since this deputation waited upon yourself and the Honourable the Minister for Finance, and, so far, amending legislation has not been introduced, as promised ; and I would now most respectfully ask that, pending the passing of the amending legislation, the Government will not insist upon further payments being made in respect of the stamp duty by the Municipalities concerned.

" In venturing to put forward this suggestion for your consideration, might I add that as it is believed that the Government does not insist upon the payment of the transfer duty in respect of Government stock, it appears that the power which enables the Government to do this might be sufficient to enable the Government to refrain from asking any further payments from the Municipalities in respect of the transfer of Municipal stocks, and I would express the hope that arrangements might be made accordingly."

Letter, dated 8th February, 1913, from the Private Secretary, Treasury, Capetown, to the Hon. Secretary, United Municipal Associations of South Africa, P.O. Box 1049, Johannesburg.

" With reference to your letter of the 31st ultimo on the subject of the Stamp Duties and Fees Act, 1911, I beg to inform you that the representations contained therein are receiving attention."

Letter, dated the 11th February, 1913, from the Secretary to the Prime Minister, Capetown, to the Mayor of Capetown, City Hall, Capetown.

" I have the honour to acknowledge the receipt of your letter of the 7th instant, which will receive attention."

Letter, dated 13/14th February, 1913, from the Secretary for Finance, Treasury, Capetown, to the Honorary Secretary, United Municipal Associations of South Africa, P.O. Box 1049, Johannesburg.

" With further reference to your letter of the 31st ultimo, transmitting a copy of a further memorandum on the grievances of Municipalities in connection with the administration of the Stamp Duties and Fees Act, 1911, I beg to state that while the Government affirms its attitude in regard to the representations made by the United Municipal Associations of South Africa, as expressed by Mr. Hull to the deputation which waited upon him on the 27th February, 1912, it is impossible to say when an opportunity will occur of introducing the legislation for giving effect thereto. The Minister of Finance had some hopes of getting an amending law through during the present session, but there has been such pressure of other, and more urgent, public business that it is questionable whether he will be able to find an opportunity of introducing an amending Bill.

" Until such a measure has been adopted by Parliament, Municipalities must comply with the law as it stands, and the Government have no power to grant exemption as suggested in subsections (a) and (b) on page 6, and in the last paragraph on page 7, of the memorandum. Any Municipalities which fail to comply with the law in these respects must be prepared to take the consequences.

" With regard to the suggestion that in any amendment of the Stamp Duties and Fees Act, 1911, power should be given to the Government to refund or remit, as the case may be, the duty paid or payable by the Corporations under the Act since it became law, the Minister of Finance has noted the request of your Association, but is unable, at this stage, to give any assurance that an amending law would be made retrospective in effect."

Letter, dated 18th February, 1913, from the Honorary Secretary, United Municipal Associations of South Africa, to the Secretary for Finance, Union of South Africa, The Treasury, Capetown.

"With reference to your letter, No. C.T.F. 185/13 of the 14th February, I shall be greatly obliged if you will state, for the information of the United Municipal Associations of South Africa whether the Government has collected the Transfer Duty in respect of transfers of Government stock made in the United Kingdom."

Letter, dated March 7th, 1913, from the Honorary Secretary, United Municipal Associations of South Africa, to the Commissioner for Inland Revenue, Department of Inland Revenue, Union of South Africa, Capetown.

"I have received your telegram of the 6th March, as follows:

"Stamp Duties and Fees Act: when may I expect reply to my letter of 4th February?

"I had received a letter from the Secretary for Finance, dated 14th February, with regard to the above matter, and I replied to him on the 18th February, enquiring whether the Government has collected the Transfer Duty in respect of transfers of Government stock made in the United Kingdom. I have received no reply to this letter of the 18th February from the Secretary for Finance. On receiving a reply I shall reply to him and to you also."

Letter, dated 10th March, 1913, from the Commissioner for Inland Revenue, Capetown, to the Hon. Secretary, United Municipal Associations of South Africa, P.O. Box 1049, Johannesburg.

"I have the honour to acknowledge your letter of the 7th inst, on this subject, and I have pleasure in informing you that I have now obtained a ruling (1/242/11/186, Department of Justice) confirming my opinion that Municipal certificates are outside the charge of the shilling stamp duty imposed by Item 11 of the Stamp Duty Tariff. This decision will be made known at once through the official channels, and I shall be obliged if you would kindly communicate it to the Municipal bodies concerned.

"As regards your enquiry as to whether transfers of Government stock have been exempted from Stamp Duty by virtue of a letter which emanated from the High Commissioner's Office in London, I can only state that I have no knowledge of any such exemption, but I am making enquiries, and if it is ascertained that any exemption has been allowed, I must hold that it is contrary to law, and insist on the exemption being recalled. The liability of Government stock as well as Municipal stock is clear, as you will see if you will kindly refer to Item 16 (3) of the Tariff."

Letter, dated 29th April, 1913, from the Secretary for Finance, Treasury, Capetown, to the Hon. Secretary, Transvaal Municipal Association, Municipal Offices, Johannesburg.

"With reference to your letter of the 25th inst., regarding the operation of the Stamp Duties and Fees Act, 1911, you will no doubt appreciate the fact that it has been a matter of considerable difficulty to secure for this question the attention it deserves, owing to the pressure of parliamentary business.

"I will endeavour, however, to let you have a reply to your communication of the 18th February last before the next meeting of the Executive Committee of the Transvaal Municipal Association on the 3rd proximo."

Letter, dated the 30th April, 1913, from the Secretary for Finance, to the Mayor of Capetown, City Hall, Capetown.

"The Minister of Finance regrets to find that, owing to an oversight, no communication (other than was contained in the acknowledgment that was sent to you in the same month) has been made to you in response to your letter of the 7th February, addressed to the Right Honourable the Prime Minister.

"Your letter, which dealt with the application of the Stamp Duties and Fees Act, 1911, to Municipal stocks, was subsequently transferred to the Treasury for consideration.

"Representations on the same subject have been made to the Treasury by the United Municipal Associations, and the Minister of Finance thinks that a convenient way of responding to your letter will be to transmit for your information a copy of the Treasury letter, dated 14th February last, to the Associations, in which an indication was conveyed of the Government's attitude in this connection. I am accordingly desired by him to transmit to you the annexed copy of that letter."

Letter, dated 30th April, 1913, from the Secretary for Finance, Capetown, to the Hon. Secretary, Transvaal Municipal Association, Municipal Offices, Johannesburg.

"Further to my letter No. C.T.F. 185/13 of 29th instant, I beg to acquaint you that the Government is not collecting duty in respect of transfers of Union stock effected in the United Kingdom.

"The Government is advised that its powers of enforcing the provisions of the Stamp Duties and Fees Act, 1911, in respect to such transfers of Union stock are limited by practical considerations, and, in pursuance of this advice, these transactions are not deemed to be liable to the duty."

Letter, dated April 30th, 1913, from the Commissioner for Inland Revenue, Capetown, to the Hon. Secretary, United Municipal Associations of South Africa, P.O. Box 1049, Johannesburg.

"Referring to your letters of the 25th and 10th instant, I beg to state in reply that there appears to have been some misunderstanding in London, for which the High Commissioner's Office was responsible. I have now taken steps to point out that the law is perfectly clear as to the liability to Stamp Duty of all Stock Transfers, and further, I have referred the matter to the Controller and Auditor-General with a view to the raising of a surcharge in respect of any Revenue which may have been lost.

"I shall be obliged if you will be good enough to refer back to my letter to you of the 4th February last, and let me have your reply to paragraph No. 3 on this subject of the Transfers of Stock."

Letter, dated 3rd May, 1913, from the Mayor of Capetown, to the Secretary for Finance, Capetown.

"I am duly in receipt of your letter dated 30th April, ultimo (C.T.F. 185/13), with reference to the Stamp Duties and Fees Act, 1913. I note that my letter of the 7th February, addressed to the Rt. Hon. the Prime Minister in the matter, was referred to the Hon. the Minister for Finance, and that the Minister for Finance considers that a convenient way of replying to mine of the 7th February, would be to transmit a copy of the Treasury letter, dated 14th February, addressed to the United Municipal Associations of South Africa. I have carefully perused the letter referred to, but find that the same deals with a number of matters upon which representations were made to the Rt. Hon. the Prime Minister and the Minister for Finance by a deputation representing the United Municipal Associations. Might I respectfully point out, however, that the letter referred to does not specifically deal with certain points which formed the subject of my letter to the Rt. Hon. the Prime Minister of the 7th February. In such letter reference was made to the action which it was understood the Government had taken in regard to Government stocks in deference to representations made to the Government representative in London by the Bankers with whom the Government and Municipal stocks are inscribed, and it was urged that the exemption which the Corporation were advised had been granted to Government stocks might be extended to Municipal stocks, particularly having regard to the fact that if the provisions of the Stamp Duties and Fees Act were enforced in regard to Municipal stocks the stamp duty would not fall upon the holders of such stocks but upon Municipalities in view of the terms of the Prospectus of Municipal Loans.

"A further point in my letter to which I would like to invite your attention is in regard to the suspension of such duty pending the passing of the amending legislation promised by the Hon. the Minister for Finance. It is felt that if the Government are empowered to exempt Government stock from the operation of the Act, it might equally be possible for the Government to suspend the operations of the Act until the necessary amending legislation has been passed by Parliament.

"I shall be glad if you will be good enough to bring these points to the notice of the Hon. the Minister for Finance with a view to the same receiving consideration.

"The favour of an early intimation as to the decision of the Minister for Finance in the matter will be esteemed."

Letter, dated 13th May, 1913, from the Secretary for Finance, to the Mayor of Capetown, City Hall, Capetown.

"With reference to your letter of the 3rd instant, on the subject of exempting Municipal stocks, transferred in the United Kingdom, from the operation of the Stamp Duties and Fees Act, 1911, I beg to inform you that the Minister of Finance has had an opportunity of giving further consideration to the points mentioned by you.

"General Smuts now thinks that it may be possible to pass amending legislation on the subject during the present session, and he will use his best endeavours to that end.

"A further communication will be addressed to you at an early date."

RECEIVED.

3. COUNCILLORS CONTRACTING WITH THE COUNCIL.

The Transvaal Municipal Association is desirous of obtaining the opinion of the United Associations on the question of the recent enactment of the Transvaal Provincial Council, whereby Councillors are prohibited from being interested in contracts with the Council. The law which existed prior to the passing of the Municipal Local Government Ordinance, 1912, in the Transvaal, is as set out in the following sections of the Johannesburg Municipal Ordinance of 1906, now repealed :—

"Conduct of Members and Servants of the "Council.

"77. No councillor shall act for the Council for reward as an advocate, attorney, law agent, medical practitioner, veterinary surgeon, architect, engineer, surveyor, accountant, or in any other professional capacity.

"Any councillor contravening this section shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months, and the Court before which he is convicted may order that he shall refund to the Council the amount of any fees received by him in respect of so acting as aforesaid and that he shall vacate his seat, and his seat shall thereupon become vacant.

"78. (1) Save as in the preceding section and in section *four* of the Municipalities Elections Ordinance, 1903, provided, no councillor shall be prohibited by reason of his office from contracting with the Council, either as vendor, purchaser, or otherwise, nor shall any contract or bargain entered into by or on behalf of the Council in which any councillor shall be in any way directly or indirectly interested be on such account avoided or set aside, nor shall any councillor so contracting or being so interested be liable save in the case hereinafter mentioned to account to the Council for any profit realised by any such contract or bargain by reason of such councillor holding his office or by reason of the fiduciary relation thereby established.

"(2) Where any councillor is interested otherwise than as a shareholder in a limited liability company in any contract or bargain with the Council which involves according to the terms thereof the expenditure or receipt by the Council of one hundred pounds or more it shall be the duty of such councillor before or at the meeting of the Council at which such contract or bargain is determined on or approved if his interest then exists or if his interest is subsequently acquired then within a reasonable time and in any case not later than one month after the acquisition of such interest to disclose the same to the Council and such disclosure if not made at a meeting of the Council may be made by letter addressed to the Town Clerk which shall be reported by him to the Council at the first meeting held after the receipt of such letter and any such disclosure shall be entered on the minutes of the meeting of the Council at which the same is made by the councillor or reported by the Town Clerk; provided however that it shall not be necessary for any such disclosure to be made.

"(a) by any councillor in the case of any contract or bargain which the Council may expressly authorise to be entered into with such councillor in his own name; or

"(b) by any councillor who shall have notified in writing to the Town Clerk subsequent to his last election as councillor that he has any interest in any firm or partnership in the case of any contract or bargain which the Council may expressly authorise to be entered into with such firm or partnership.

"(3) Any councillor who contravenes this section by omitting to disclose his interest in any contract or bargain with the Council as hereby required shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months and the Court before which he is convicted may order that he shall account to the Council for any profits which may accrue to him in respect of such contract or bargain and that he shall vacate his seat and his seat shall thereupon become vacant; provided however that the Court shall not make such order if it is proved that the omission of any councillor to make such disclosure was due to illness, absence from the municipality, mistake, inadvertence or some other like cause, and was not due to any want of good faith.

"(4) It shall be the duty of the Town Treasurer, or if there be no Town Treasurer, of the Town Clerk to prepare every month according to the best information which he is able to obtain a statement showing all the contracts or bargains entered into or authorised by the Council during the preceding month in which any councillor is interested otherwise than as a shareholder in a limited liability company and the names of the councillors so interested, and to lay such statement before the Council at the first meeting held after the same has been prepared and such statement shall be included in the minutes of such meeting.

"(5) It shall be the duty of the auditor of the accounts of the Council, appointed by the Lieutenant-Governor, to examine from time to time the minutes of the Council for the purpose of ascertaining whether the provisions of this section have been complied with, and to report to the Colonial Secretary any cases in which it shall appear to him that there has been any failure to comply with such provisions.

"79. A councillor shall not, in or before the Council or any committee thereof, vote upon or take part in the discussion of any contract, bargain, expropriation or legal application, for licence, negotiation or legal proceedings in which he or any person by whom he is employed, or whose attorney or agent he is, has directly or indirectly any pecuniary interest.

"Any councillor contravening this section shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment, with or without hard labour, for a period not exceeding three months, and the Court before which he is convicted may order that he shall vacate his seat and his seat shall thereupon become vacant; provided, however, that the Court shall not make such order if it is proved that such contravention arose from mistake or inadvertence and did not arise from any want of good faith.

"80. Notwithstanding anything in this Ordinance contained;

(a) No councillor shall be prohibited from voting upon or discussing, in or before the Council or any committee thereof;

(i) any scheme for the imposition of special rates; or

(ii) the tariff charge for, or the regulations and conditions generally applicable to the supply by the Council of anything or the rendering by the Council of any service whether in the whole Municipality or any district thereof;

(b) no councillor shall be required to disclose to the Council his interest in any contract entered into with the Council for the supply by the Council of anything or the rendering by the Council of any service at the ordinary published tariff charge for such supply or service;

(c) it shall not be necessary to include such contract as aforesaid in any statement prepared under sub-section (4) of section *seventy-eight.*

"81. A councillor shall not act as agent or representative of any person:

(a) before any Valuation Court appointed by the Council under the Local Authorities Rating Ordinance, 1903, or any amendment thereof; or

(b) before any other Court or committee appointed by the Council to deal with the rating of property by way of special assessment or otherwise; or

(c) before any committee of the Council appointed to consider or deal with applications for any licences which the Council has power to grant.

"Any councillor contravening this section shall, upon conviction, vacate his seat and be liable to a fine not exceeding fifty pounds, and in default of payment, to imprisonment with or without hard labour for a period not exceeding three months."

The new law is to be found under Sections 36, 37, 38, 39 and 40 of the Local Government Ordinance, 1912, which are as follows:—

"Conduct of Members and Servants of Town Councils.

"36. (1) No councillor or his partner or employee shall act for reward as an advocate, attorney or law-agent, either on behalf of or against the Council, and no councillor or his partner or employee shall act for the Council for reward as medical practitioner, veterinary surgeon, architect, engineer, surveyor, accountant, valuer or appraiser, or in any other professional capacity; provided that nothing in this section shall apply to the payment to any medical practitioner of such fee as is prescribed by law, regulation, or by-law for the rendering to the Council of a certificate of notification of any case of infectious disease.

"(2) Any councillor contravening this section shall be liable on conviction to a fine not exceeding fifty pounds, and the Court before which he is convicted may order that he shall refund to the Council the amount of any fees received by him in respect of his acting as aforesaid, and that he shall vacate his seat, and his seat shall thereupon become vacant.

"37. (1) No councillor shall, either on his own behalf or on behalf of his wife or on behalf of a partnership in which he or his wife is interested, contract with the Council for the performance by the Council or such councillor or partnership of any work, or as vendor, purchaser, or otherwise, and any contract or bargain entered into by or on behalf of the Council in which a councillor is in any way directly or indirectly interested shall be null and void; provided that no contract or bargain shall be avoided or set aside under the provisions of this sub-section where a councillor is merely interested in such contract or bargain as shareholder in a company having a share capital, or where the contract is for the supply by the Council of any thing or the rendering by it of any service at the ordinary published tariff charges for such supply or service, or where a councillor purchases land or goods disposed of by the Council by public auction.

"(2) Any councillor who contravenes this section shall be liable on conviction to a fine not exceeding fifty pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding three months. The Court before which he is convicted may order that he shall account to the Council for any profits which may accrue to him in respect of such contract or bargain, and that he shall vacate his seat, and his seat shall thereupon become vacant.

"(3) It shall be the duty of the auditor of the accounts of the Council appointed by the Administrator under section *fifty-five* of this Ordinance to examine from time to time the minutes of the Council for the purpose of ascertaining whether the provisions of this section have been complied with, and to report to the Administrator any cases in which it shall appear to him that there has been any failure to comply with such provisions.

"38. A councillor shall not in or before the Council or any committee thereof be present at, or take part in the discussion of or vote upon any expropriation or purchase of land by the Council, claim, application for licence, negotiation, or legal proceedings in which he, his partner, or any person by whom he or his partner is employed, or whose attorney or agent he or his partner is, has directly or indirectly any pecuniary interest.

"Any councillor contravening this section shall be liable on conviction to a fine not exceeding fifty pounds, and the Court before which he is convicted may order that he shall vacate his seat, and his seat shall thereupon become vacant; provided that the Court shall not make such order if it be proved that such contravention arose from mistake or inadvertence and did not arise from any want of good faith.

"39. Notwithstanding anything in this Ordinance contained, no councillor shall be prohibited from voting upon or discussing in or before the Council or any committee thereof

(i) any scheme for the imposition of special rates, or

(ii) the tariff charges for, or the regulations and conditions generally applicable to the supply by the Council of anything, or the rendering by the Council of any service, whether in the whole Municipality or any portion thereof.

"40. A councillor shall not by himself or his partner or employee act as agent or representative of any other person—

(a) before any Valuation Court appointed by the Council under the Local Authorities Rating Ordinance, 1903, or any amendment thereof; or

(b) before any other Court or Committee appointed by the Council to deal with the rating of property by way of special assessment or otherwise; or

(c) before any Committee of the Council appointed to consider or deal with applications for any licence which the Council has power to grant.

"Any councillor contravening this section shall upon conviction vacate his seat, and be liable to a fine not exceeding fifty pounds."

Alteration of the law has had a very important bearing on the constitution of Municipal Councils throughout the Transvaal.

Copies of the Minutes of a Special Meeting of the Transvaal Municipal Association, held at Pretoria, on the 21st January, 1913, containing a report on this question, have been circulated to delegates for consideration.

The Transvaal Municipal Association recommends:

(a) That the United Municipal Associations of South Africa express the opinion that the provisions in the Transvaal Local Government Ordinance, 1912, whereby Councillors are prevented from contracting with the Municipality, are inadvisable, and not in the best interest of Municipal government.

AMENDED and ADOPTED.

(b) That the United Municipal Associations of South Africa express the opinion that professional men who are members of a Council should be prevented from acting for or against the Municipality, provided that a medical practitioner, who is a member of the Council, may act on behalf of a Municipality, if asked to do so by the majority of two-thirds of the Council and with the consent of the Administrator.

AMENDED and ADOPTED.

4. OPENING OF PROCEEDINGS OF ASSOCIATIONS.

The following communication is submitted for the information of delegates :—

"Bloemfontein,
"24th October, 1913.

"The Hon. Secretary,
"United Municipal Associations
"of South Africa,
"Johannesburg.

"Sir,—I am directed by the Honourable the Administrator to acknowledge receipt of your letter of the 22nd inst., with reference to the opening of the proceedings of the annual meeting to be held at Bloemfontein on the 17th and 18th November, 1913, and to state that His Honour desires me to thank you for the invitation, which he regrets very much that he will be unable to accept, as he will be absent from Bloemfontein at that time.

"I have, etc.,

"(Signed) — McHARDY,

"Acting Private Secretary."

RECEIVED.

5. OFFICIALS ATTENDING CONFERENCES.

The following resolution was adopted at the last meeting of the Associations :—

"That the following resolution of the Natal Municipal Association be referred to the Executive Committee for consideration and report :

'That in view of the advantageous results likely to accrue from an annual Conference of South African Municipal officials, the delegates to the United Municipal Associations be requested to introduce for discussion the desirability of arranging such Conferences.'"

REFERRED TO EXECUTIVE COMMITTEE.

6. ACCOUNTS.

We submit, herewith, a statement of the receipts and payments for the period 1st November, 1912, to the 31st October, 1913 :—

PAYMENTS.							RECEIPTS.						
To Commission on Cheques	£0	4	0				By Balance brought forward, 1st November, 1912—						
„ Postages and Telegrams	14	17	4½				Cash at Bank -	£139	12	9			
„ Printing Agenda and Minutes of Annual Meeting, 2nd December, 1913 - -	91	5	0				Cash in hand -	0	12	2			
„ Clerical Assistance -	60	0	0								£140	4	11
„ Translation of President's Address from English into Dutch -	1	10	0				„ Annual Subscriptions— Cape Municipal Association, 1912 -				35	0	0
				£167	16	4½	Natal Municipal Association, 1913 -				30	0	0
„ Cash at Bank, 31st October, 1913 - -	74	13	9				Orange Free State Municipal Association, 1913 - -				10	0	0
Cash in hand, 31st October, 1913 - -	2	14	9½				Transvaal Municipal Association, 1913 -				30	0	0
				77	8	6½							
				£245	4	11					£245	4	11

Note.—The Subscription of the Cape Municipal Association for the year 1913 (£30), was received too late for inclusion in the above statement.

Examined under my direction, and found correct.

11th November, 1913.

(Signed) W. EASTON,
Town Treasurer.

NOTED and APPROVED.

7. PERMANENT SECRETARY.

The following resolution was adopted at the last meeting of the Associations :—

"That the Executive Committee consider and report upon the question of the appointment of a permanent Secretary."

The Executive Committee recommends :

That the Town Clerk of Johannesburg be appointed Permanent Hon. Secretary of the Associations.

ADOPTED.

8. CONSTITUTION OF ASSOCIATIONS.

Clause 7 reads as follows :—

"At the close of each Annual Meeting the official delegates present shall elect from among the official delegates appointed to attend that Annual Meeting a President and an Executive Committee, consisting of the President and an official delegate for each constituent body; provided, however, that the retiring President and members of the Executive Committee shall be eligible for office if qualified as delegates."

We propose that this section should be so amended as to provide that the Mayor of the town at which the meeting of the United Municipal Associations is held should be a member of the Executive Committee.

The Executive Committee recommends:

That the proposal contained in the above report be adopted, and that the Constitution be amended accordingly.

ADOPTED.

9. POOR RELIEF.

The following resolutions were adopted by the Associations at its last Annual Meeting:—

"(a) That indigence being a matter of national concern, the burden of providing against it should be borne by the central Government, and that the Government be requested to introduce legislation at the earliest possible moment.

"(b) That one of the more effective means of preventing poverty would be the introduction of continuation classes and an enlarged system of trade and technical education, embracing husbandry, and that the Government be asked to give the matter their careful attention."

These resolutions were duly conveyed to the Government and the Provincial Administrations. The Secretary for the Interior, in a letter dated the 22nd February, 1913, replied "that the matter is receiving attention," and the Director of Education, Transvaal, under date the 7th February, 1913, replied as follows:—

"I have the honour to acknowledge your letter of the 9th ultimo, addressed to this Department in your capacity as Honorary Secretary for the United Municipal Associations of South Africa.

"The second of the resolutions quoted in your letter refers to the introduction of continuation classes and an enlarged system of trade and technical education, embracing husbandry, and asks that the Government give the matter their careful attention. I have brought this resolution to the notice of the Honourable the Administrator, and I am to point out, in reply, that there seems to be a lack of knowledge of what the Transvaal Administration has done and is doing in the directions indicated.

"As regards continuation classes, machinery for establishing them exists, and, though they have not developed to the extent that might have been expected, this is not to be assigned to lack of opportunity. The School of Mines conducts continuation classes of a more advanced technical character, while at the Trades School at Johannesburg and Pretoria technical classes of a lower grade are organised, and, as regards Pretoria, are very well attended. I do not doubt that the same appreciation of the Johannesburg Trades School continuation classes will be shown as soon as a reasonable time has elapsed. Continuation classes of a general, as distinct from a technical, character, are conducted by the Department, the organisation being in the hands of Mr. John Robinson.

"As regards Trades Schools, the institutions at Pretoria and Johannesburg have been referred to. They have by no means been developed to their fullest capacity. Reference is made here especially to day pupils. A third institution has been approved for the East Rand, and will be set going as soon as possible. At Potchefstroom and Langlaagte Orphanages, industrial education is given to a large number of the poorer class of the population. Finally, the Council of Education has under consideration at the present time the special needs of country boys, and an institution for giving them technical preparation for country life will probably be launched within a short time. You will see, therefore, that the whole question has received, and is receiving, attention."

RESOLUTION ADOPTED.

F. C. HOLLANDER,
President.

Bloemfontein,
17th November, 1913.

SUPPLEMENTARY REPORT.

On the motion of the President, it was

RESOLVED: That the Supplementary Report of the Executive Committee be received.

Section 1 (Rating of Government Property).

RESOLVED: That the recommendation of the Executive Committee contained in Section 1 of the Report be adopted.

Section 2 (Stamp Duties and Fees Act, 1911).

RECEIVED.

Section 3 (Councillors Contracting with the Council).

MOTION: Moved by Mr. Leslie, seconded by Mr. Turner:—

"That Recommendation (a) of the Transvaal Municipal Association, as set out in Section 3 of the Supplementary Report, be adopted."

AMENDMENT: Moved by Sir John Graham, seconded by Mr. de Villiers:—

"That the recommendation be amended to read as follows:—

"'That the United Municipal Associations of South Africa express the opinion that the provisions in the Transvaal Local Government Ordinance, 1912, whereby Councillors are prevented from contracting with the Municipality, are inadvisable in their general application, and require reconsideration.'"

AMENDMENT: Moved by Mr. Sanders, seconded by Mr. Cochrane:—

"That the United Municipal Associations of South Africa find that the restrictions in the Transvaal Province referring to Councillors contracting with the Municipality have created a serious deadlock in local government in some of the minor Municipalities, and the Associations express the opinion that, in order to afford relief, the Ordinance should be amended, in order to place the Transvaal Municipalities on the same footing as those in the other Provinces of the Union."

Mr Sanders' amendment was put and negatived (14 votes to 17).

Mr. Leslie withdrew his motion in favour of Sir John Graham's amendment, which thereupon became the substantive motion.

The motion of Sir John Graham was put, and adopted by 20 votes to 13.

RESOLVED *accordingly.*

Section 4 (Opening of Proceedings of Associations).

RECEIVED.

Section 5 (Officials Attending Conferences).

RESOLVED: That this matter be referred to the Executive Committee for consideration and report.

Section 6 (Accounts).

RESOLVED:

(a) That the Statement of the Receipts and Payments for the period 1st November, 1912, to the 31st October, 1913, as set out in Section 6 of the Report, be adopted.

(b) That the Executive Committee be authorised to vote £40 for clerical assistance for the past year.

Section 7 (Permanent Hon. Secretary).

RESOLVED: That the recommendation of the Executive Committee, contained in Section 7 of the Report, be adopted.

Section 8 (Constitution of Associations).

RESOLVED: That the recommendation of the Executive Committee, contained in Section 8 of the Report, be adopted.

Section 9 (Poor Relief).

MOTION: Moved by Mr. Cluver, seconded by Mr. Leslie:—

"That this Congress is of opinion that the attendance of children at schools up to the Sixth Standard, and attendance at Continuation Classes thereafter, should be made compulsory."

MOTION *put and adopted.*

10. NOTICE OF MOTION.

COUNCILLOR J. J. WARE, M.P.C. (Johannesburg Municipal Council).

"That it be an instruction from the United Municipal Associations of South Africa to their Executive Committee to take such steps as may be necessary with a view to the Union Government or Provincial Councils throughout the Union introducing and passing legislation, in accordance with the precedent afforded by 'The Public Health (London) Act, 1891, Sect. 108 (b),' 'The Public Health (Scotland) Act, 1897, Sect. 15,' and 'The Housing and Town Planning Act, 1909, Sect. 68 (5),' to provide that Medical Officers of Health to Local Authorities shall not be removed from their positions except by, or with the sanction of, Government."

ADOPTED.

"Public Health (London) Act, 1891 (54 and 55 Vict.), Chap. 76, Sect. 108, 2 (b).

"A Medical Officer of Health shall be removable by the Sanitary Authority, with the consent of the Local Government Board, or by that Board, and not otherwise:

"Provided that the Local Government Board shall take into consideration every representation made by the Sanitary Authority for the removal of any Medical Officer, whether based on the general interests of the district, on the conduct of such officer, or on any other ground."

"Public Health (Scotland) Act, 1897 (60-61 Vict.), Chap. 38, Sect. 15.

"The Local Authority shall appoint a medical officer or medical officers, who shall be called Medical Officer or Medical Officers of Health, etc. . . .

"No medical officer appointed by the Local Authority under this or any of the repealed Acts shall be removable from office except by, or with the sanction of, the Board."

"House and Town Planning Act, 1909. 9. (Edward VII.), C. 44, Sect. 68 (5).

"A Medical Officer of Health of a county shall be removable by the County Council, with the consent of the Local Government Board, and not otherwise."

Councillor Ware moved the motion standing in his name.

MOTION *put and adopted unanimously.*

11. MUNICIPAL LEGISLATION.

On the motion of Mr. Jacobson, seconded by Mr. Brown, the Congress **RESOLVED**:

"That the Executive be requested to strongly represent to the various Associations the necessity of urging upon all Municipalities the need of exacting promises from their Parliamentary representatives to support legislation required to carry out the resolutions of Municipal Congress."

12. ELECTION OF PRESIDENT.

MOTION: Moved by the President, seconded by Mr. Brown:—

"That Mr. P. D. Cluver, Mayor of Stellenbosch, and President of the Municipal Association of the Cape Province, be elected President of the United Municipal Associations of South Africa for the ensuing year."

MOTION *put and adopted unanimously.*

13. ELECTION OF EXECUTIVE COMMITTEE.

RESOLVED: That Sir John Graham, Mr. D. Sanders, Mr. de Villiers and Mr. W. Brown be elected members of the Executive Committee for the ensuing year, in terms of Clause 7 of the Constitution.

14. RETIRING PRESIDENT.

MOTION: Moved by Mr. Cluver, seconded by Mr. Leslie:—

"That the thanks of the United Municipal Associations of South Africa be tendered to the retiring President (Mr. F. C. Hollander, J.P.) for the services which he has rendered to local government in South Africa, and for his able, courteous, and impartial conduct in the Chair at this, the Eighth Annual Meeting of the Associations."

MOTION *put and adopted unanimously.*

15. VOTES OF THANKS.

The following motions were put, and adopted unanimously:—

"That the thanks of the Associations be tendered—

"'(a) To His Worship the Mayor of Bloemfontein and the Mayoress (Councillor and Mrs. Ivan Haarburger) and the Council of the Bloemfontein Corporation, including the Town Clerk and Officials of Bloemfontein, for the hospitality extended to, and the arrangements made for the entertainment of the delegates;

"'(b) to the Bloemfontein and Rambler Clubs, for the hospitality extended to the delegates;

"'(c) to the Press representatives, for their attendance at the meetings and the reports of the business; and

"'(d) to the Hon. Secretary, for the work he has undertaken on behalf of the Associations.'"

The meeting then concluded with the singing of the National Anthem.

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